EXHIBIT 1 – U.S. PATENT NO. 6,130,892

AGREED-UPON CONSTRUCTIONS

Claim	Term	Agreed-Upon Construction
1	user device configured to communicate with a home network	user device configured with a static IP address on the home network
1	intercepting packets	The parties agree with the Court's prior construction of "intercepting" and have included the intercepted object: receiving and processing packets targeted for another device
1	intercepting packets transmitted from the user device which would otherwise be dropped by devices on the foreign network	intercepting packets transmitted from the user device which, if not intercepted, would be dropped by devices on the foreign network See also agreed-upon construction of "intercepting packets."

EXHIBIT 1 – U.S. PATENT NO. 6,130,892

DISPUTED CONSTRUCTIONS

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
1. A method for allowing network communications over **a foreign network** for a user device configured to communicate with a **home network**, the method comprising:	home network	network to which the user device is configured to be connected[1]	network to which the user device is configured to be connected and which corresponds to the home internet [or IP] address[2]
	foreign network	a network other than the home network[3]	network to which the user device is not normally connected and which corresponds to a local internet [or IP] address that is not the home internet [or IP] address[4]
connecting the user device to the foreign network;			
intercepting packets transmitted from the user device which would otherwise be dropped by devices on the foreign network to determine without requiring prior knowledge of network settings of the user device;			

EXHIBIT 1 – U.S. PATENT NO. 6,130,892

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
using the determined network settings of the user device to determine whether to intercept subsequently transmitted packets; and			
automatically modifying packets transmitted from the user device based on the network settings of the user device and **network settings of the foreign network**.	network settings of the foreign network	See "foreign network." No further construction is necessary. However, if the Court is inclined to construe the term, Nomadix proposes: parameters used on the foreign network for network communication[5]	IP addresses on the foreign network[6]
5. The method of claim 1 wherein modifying packets transmitted from the user device comprises:			
replacing a source address with a router address where the router address is automatically determined based on the **network settings of the foreign network**.	network settings of the foreign network (See Claim 1, above)		

Exhibit 1 – U.S. Patent No. 6,130,892

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
8. The method of claim 5 further comprising:			
receiving data from the **foreign network** with the router address as a destination address; and	foreign network (See Claim 1, above)		
replacing the destination address with a network address of the user device.			

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[1] **Evidence Supporting Nomadix's Proposed Construction for "home network"**

'892 patent: Claim 1; Abstract; Figs. 1-7A; 8-9B, 12-15; Col. 1:15-Col.4:6; Col. 4:13-24; Col. 4:32-65; Col. 5:6-Col.8:43; Col. 8:52-67; Col.9:1-3; Col.9:15-20; Col. 9: 31-34; Col. 9:60-61; Col. 10:22-25; Col. 10:29-37; Col. 10:50-52; Col. 11:2-Col. 11:24; Col. 11:43-Col.12:65; Col. 13:10-30; Col. 13:35-57; Col. 14:14-39; Col. 15:4-25; Col. 15:33-Col. 16:9; Col.16:30-57; Col. 16:63-17:1; Col. 17:11-13

'174 application: Claim 1 (p. 13); Abstract; Figs. 1-6; p. 1:7-p. 3:19; p. 3:25-p. 6:31; p. 7:6-23; p. 8:12-18; p. 9:3-p. 10:18; p. 10:25-p. 11:31; p. 12:15-30; p. 13; p. 14

NMDX0000499; NMDX0000501-503; NMDX0000543-564; NMDX0000599-619; NMDX0000632-645; NMDX0005198-5205; NMDX0005729-5743; NMDX0005754-5758; NMDX0005762-5763; NMDX0034726

[2] **Evidence Supporting Defendants' Proposed Construction for "home network"**

'892 patent: 6:15-20; 1:65-2:20

EXHIBIT 1 – U.S. PATENT NO. 6,130,892

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[3] **Evidence Supporting Nomadix's Proposed Construction for "foreign network"**

'892 patent: Claims 1, 4, 5, 8; Abstract; Figs. 1-7A; 8-9B, 12-15; Col. 1:15-Col.4:6; Col. 4:13-24; Col. 4:32-65; Col. 5:6-Col.8:43; Col. 8:52-67; Col.9:1-3; Col.9:15-20; Col. 9: 31-34; Col. 9:60-61; Col. 10:22-25; Col. 10:29-37; Col. 10:50-52; Col. 11:2-Col. 11:24; Col. 11:43-Col.12:65; Col. 13:10-30; Col. 13:35-57; Col. 14:14-39; Col. 15:4-25; Col. 15:33-Col. 16:9; Col.16:30-57; Col. 16:63-17:1; Col. 17:11-13

U.S. Patent Application No. 08/816,174 ("'174 application"): Claim 1 (p. 13); Abstract; Figs. 1-6; p. 1:7-p. 3:19; p. 3:25-p. 6:31; p. 7:6-23; p. 8:12-18; p. 9:3-p. 10:18; p. 10:25-p. 11:31; p. 12:15-30; p. 13; p. 14

NMDX0000499; NMDX0000501-503; NMDX0000543-564; NMDX0000599-619; NMDX0000632-645; NMDX0005198-5205; NMDX0005729-5743; NMDX0005754-5758; NMDX0005762-5763;

[4] **Evidence Supporting Defendants' Proposed Construction for "foreign network"**

'892 patent: Figs. 12A-D; Abstract; Fig. 13; 4:3-25; 5:9-14; 11:3-21; 12:58-13:3; '892 prosecution history, Applicants' Arguments at 11-12 (February 29, 2000); '892 prosecution history, Applicants' Arguments at 12 (February 29, 2000).; 2:20-27; 6:15-20

[5] **Evidence Supporting Nomadix's Proposed Construction for "network settings of the foreign network"**

'892 patent: Claims 1, 5; Abstract; Figs. 1-15; Col. 1:15-Col. 4:24; Col. 4:32-Col.8:43; Col. 8: 63-Col. 9:3; Col. 9:15-20; Col.9:22-26; Col. 10:22-63; Col. 11:2-25; Col. 11:41-14:39; Col. 15:4-25; Col. 15:31-40; Col. 15:45-Col.16:9; Col. 16:30-Col.17:1; Col. 17:11-13

'174 application: Claim 1 (p. 13); Abstract; Figs. 1-6; p. 1:7-p. 6, 31; p. 7:17-23; p. 9:30-p. 10:18; p. 10:25-33; p. 11:2-p. 12:30; p. 13; p. 14

NMDX0000499; NMDX0000501-503; NMDX0000543-564; NMDX0000599-619; NMDX0000632-645; NMDX0005198-5205; NMDX0005729-5743; NMDX0005754-5758; NMDX0005762-5763

[6] **Evidence Supporting Defendants' Proposed Construction for "network settings of the foreign network"**

'892 patent: 2:58-62;" 6:15-19.

EXHIBIT 2 – U.S. PATENT NO. 7,088,727

AGREED-UPON CONSTRUCTIONS

Claim	Term	Agreed-Upon Construction
11	intercepting data	The parties agree with the Court's prior construction of "intercepting" and have included the intercepted object: receiving and processing data targeted for another device
17, 20	intercepting an Address Resolution Protocol (ARP) message	The parties agree with the Court's prior construction of "intercepting" and have included the intercepted object: receiving and processing an Address Resolution Protocol (ARP) message targeted for another device
19	intercepting user device messages	The parties agree with the Court's prior construction of "intercepting" and have included the intercepted object: receiving and processing user device messages targeted for another device
19	user device having a permanent address	user device having a static IP address
19	automatically determining network settings of the first network based on addresses contained in messages transmitted over the first network	automatically determining network settings of the first network using addresses contained in messages transmitted over the first network
20	the user device is configured to communicate over a home network having network settings incompatible with the first network	the user device is configured with a static IP address on a home network having network settings not compatible with the first network

EXHIBIT 2 – U.S. PATENT NO. 7,088,727

DISPUTED CONSTRUCTIONS

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
11. A method for providing access to a network **utilizing private IP addresses for a user device having an incompatible private IP address**, the method comprising:	[A method for providing access to a network] utilizing private IP addresses for a user device having an incompatible private IP address	No further construction is necessary. However, if the Court is inclined to construe the term, Nomadix believes the bracketed language should be included and proposes: A method for providing a user device with access to a network utilizing private IP addresses, the user device having an incompatible private IP address[1]	Accessing a network by employing a unique IP addresses that can never match the unique private IP address of the user device.[2]
	user device having an incompatible private IP address	user device configured with a private IP address not compatible with the network[3]	User device configured with a permanent IP address from the home network[4]
intercepting data transmitted by the user device containing the incompatible private IP address;	[Entire claim term]	See agreed-upon construction of "intercepting data." No further construction is necessary.[5]	Receiving and processing information within one or more packets targeted for another device that can never match the unique private IP address of the user device[6]

EXHIBIT 2 – U.S. PATENT NO. 7,088,727

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
modifying the data using a private IP address compatible with the network private IP addresses; and	modifying the data	No construction is necessary.[7]	Changing the incompatible address information contained within one or more packets at all OSI layers[8]
transmitting the modified data on the network.			
12. The method of claim 11 further comprising **connecting a translator to the network to perform the steps of intercepting the data** transmitted by the user device, modifying the data, and transmitting the data.	connecting a translator to the network to perform the steps of intercepting the data	See agreed-upon construction of "intercepting." No further construction is necessary.[9]	Connecting the translator as another device on the private network via a standard physical connection[10]
19. A method for providing connectivity to a **first network** for a user device, the user device having a permanent address, the method comprising:	first network	No construction is necessary.[11]	the network to which the user device is not normally connected and which corresponds to a local internet [or IP] address that is not the home internet [or IP] address.[12]

EXHIBIT 2 – U.S. PATENT NO. 7,088,727

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
automatically determining **network settings of the first network** based on addresses contained in messages transmitted over the **first network**;	network settings of the first network	No construction is necessary. However, if the Court is inclined to construe the term, Nomadix proposes: parameters used on the first network for network communication[13]	IP addresses on the first network[14]
	first network (See above)		
intercepting user device messages transmitted over the **first network** without regard to message destination addresses, the user device messages having the permanent address of the user device as a source address; and	first network (See above)		IP addresses on the first network[14]

EXHIBIT 2 – U.S. PATENT NO. 7,088,727

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
modifying **incorrectly configured messages** transmitted by the user device based on the network settings of the first network, wherein modifying **incorrectly configured messages** transmitted by the user device includes substituting the permanent address of these messages with a router address as the source address, wherein the router address is an address recognized by the first network.	incorrectly configured messages	No construction is necessary.[15]	messages addressed to an incorrect address.[16]
20. The method of claim 19 wherein the user device is configured to communicate over a home network having network settings incompatible with the first network, the method further comprising:			

EXHIBIT 2 – U.S. PATENT NO. 7,088,727

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
automatically determining network settings of the user device by intercepting an Address Resolution Protocol (ARP) message transmitted by the user device having a destination address of a device on the home network and replying to the ARP message by associating a Media Access Control (MAC) address of a device on the **first network** with the destination address of the device on the home network.	first network (See Claim 19, above)		

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[1] **Evidence Supporting Nomadix's Proposed Construction for "A method for providing access to a network utilizing private IP addresses for a user device having an incompatible private IP address**

'727 patent: Claim 11; Abstract; Figs. 1-9B, 12A-15; Col. 1:19-Col. 3:9; Col. 3:16-Col. 4:33; Col. 4:40-Col. 5:3; Col. 5:12-Col. 8:4; Col. 8:13-44; Col. 10:17-28; Col. 10:65-Col. 11:36; Col. 11:46-Col. 14:57; Col. 15:17-44; Col. 15:59-Col. 16:9; Col. 16:41-Col. 17:16

'892 patent: Abstract; Figs. 1-9B, 12A-15; Col. 1:16-Col. 3:4; Col.3:9-Col. 4:24; Col. 4:33-65; Col. 5:6-Col. 8:3; Col. 8:13-43; Col. 10:22-33; Col. 11:3-31; Col. 11:43-Col. 14:39; Col. 15:4-32; Col. 15:45-64; Col. 16:30-Col. 17:6

'174 application: Claim 1 (p. 13); Abstract; Figs. 1-6; p. 1:7-p. 2:31; p. 3:6-19; p. 3:26-5:30; p. 6:4-31; p. 9:28-10:25; p. 11:2-20; p. 12:16-27

'727 File History: NMDX0012534-12538;

EXHIBIT 2 – U.S. PATENT NO. 7,088,727

NMDX0012661-12668; NMDX0013551-13563

[2] **Evidence Supporting Defendants' Proposed Construction for "utilizing private IP addresses for a user device having an incompatible private IP address**

'727 patent: 2:15-18; 2:57-3:3; 6:7-16; '727 Pros. Hist. 6/7/2004 Amdt., p. 16; '727 Pros. Hist. 3/9/2006 Amdt., pp. 15-16; '727 Pros. Hist. 3/9/2006 Amdt., pp. 18-19; '892 Pros. Hist. 2/29/2000 Amdt., pp. 11-12.

[3] **Evidence Supporting Nomadix's Proposed Construction for "user device having an incompatible private IP address"**

'727 patent: Claims 1, 2, 5, 6, 8-14, 16-20; Abstract; Figs. 1-9B, 12A-15; Col. 1:19-Col. 3:9; Col. 3:16-Col. 4:33; Col. 4:40-Col. 5:3; Col. 5:12-Col. 8:4; Col. 8:13-44; Col. 9:13-20; Col. 10:17-28; Col. 10:65-Col. 11:36; Col. 11:46-Col. 14:57; Col. 15:17-44; Col. 15:59-Col. 16:9; Col. 16:41-Col. 17:16

'892 patent: Abstract; Figs. 1-9B, 12A-15; Col. 1:16-Col. 3:4; Col.3:9-Col. 4:24; Col. 4:33-65; Col. 5:6-Col. 8:3; Col. 8:13-43; Col. 10:22-33; Col. 11:3-31; Col. 11:43-Col. 14:39; Col. 15:4-32; Col. 15:45-64; Col. 16:30-Col. 17:6

'174 application: Claim 1 (p. 13); Abstract; Figs. 1-6; p. 1:7-p. 2:31; p. 3:6-19; p. 3:26-5:30; p. 6:4-31; p. 9:28-10:25; p. 11:2-20; p. 12:16-27

NMDX0012534-12538; NMDX0012661-12668; NMDX0013551-13563

[4] **Evidence Supporting Defendants' Proposed Construction for "user device having an incompatible private IP address"**

'727 patent: 2:15-18; ; 2:57-3:3;; 6:7-16; '727 Pros. Hist. 6/7/2004 Amdt., p. 16; '727 Pros. Hist. 3/9/2006 Amdt., pp. 15-16; '727 Pros. Hist. 3/9/2006 Amdt., pp. 18-19; '892 Pros. Hist. 2/29/2000 Amdt., pp. 11-12; Definition of "IP address," Random House Webster's *Computer & Internet Dictionary*, at 288 (3d ed. 1999) ("An identifier for a computer or device on a TCP/IP network."); Definition of "IP spoofing," Random House Webster's *Computer & Internet Dictionary*, at 288 (3d ed. 1999) ("A technique used to gain unauthorized access to computers whereby the intruder sends messages to a computer with an IP address indicating that the message is coming from a trusted port. To engage in IP spoofing, a hacker must first use a variety of techniques to find an IP address of a trusted port and then modify the packet headers so that it appears that the packets are coming from the port."); Definition of "static IP address," *Wiley Electrical and Electronics Engineering Dictionary*, at 746 (2004) ("Abbreviation of static Internet-Protocol address. An IP address which is the same each time a user logs onto a TCP/IP network. Also, such an address corresponding to a

EXHIBIT 2 – U.S. PATENT NO. 7,088,727

server. This contrasts with a dynamic IP address, in which a different IP address is assigned each time a user logs on. Also, called fixed IP address.")

[5] **Evidence Supporting Nomadix's Proposed Construction for "intercepting data transmitted by the user device containing the incompatible private IP address"**

Court's prior construction

'727 patent: Claim 11; Abstract; Figs. 1-15; Col. 1:23-Col. 2:27; Col. 2:44-Col. 3:9; Col. 3:16-Col. 4:33; Col. 4:40-Col. 5:43; Col. 6:2-Col. 8:4; Col. 8:13-44; Col. 9:15-20; Col. 10:17-58; Col. 10:65-Col. 11:21; Col. 11:46- Col. 14:57; Col. 15:17-38; Col. 15:59-Col. 16:9; Col. 16:54-Col. 17:16

'892 patent: Abstract; Figs. 1-15; Col. 1:16-Col. 2:19; Col. 2:35-Col. 3:4; Col. 3:9-Col. 4:24; Col. 4:32-Col. 5:40; Col. 5:67-Col. 8:3; Col. 8:12-42; Col. 9:15-20; Col. 10:22-62; Col. 11:3-25; Col. 11:42-14:39; Col. 15:4-25; Col. 11:42-Col. 14:39; Col. 15:4-25; Col. 15:45-64; Col. 16:43-Col. 17:6

'174 application: Claim 1 (p. 13); Abstract; Figs. 1-6, p. 1:7-p. 2:31; p. 3:6-19; p. 3:26-p. 5:30; p. 6:4-31; p. 9:28-p. 10:25; p. 11:2-20; p. 12:16-27

NMDX0012534-12538; NMDX0012661-12668; NMDX0013551-13563

[6] **Evidence Supporting Defendants' Proposed Construction for "intercepting data transmitted by the user device containing the incompatible private IP address"**

'727 patent: 1:35-36; 2:18-22; 6:25-26; 8:37-44; Figs. 7g and 12A-D; '727 Pros. Hist. 3/9/2006 Amdt., p. 14-15; '727 Pros. Hist. 3/9/2006 Amdt., p. 19-21 '892 Pros. Hist. 3/30/2000 Proposed Response, p. 2; *Nomadix Inc. v. Second Rule LLC*, Case No. CV 07-01946 DDP, Amended Claim Construction Order, Docket No. 137 (October 15, 2008) at 23.

[7] **Evidence Supporting Nomadix's Proposed Construction for "modifying the data"**

'727 patent: Claim 11; Abstract; Figs. 1-12E; Col. 1:19-Col. 3:9; Col. 3:16-Col. 4:33; Col. 4:40-Col.5:19; Col. 5:44-Col. 8:44; Col. 9:1-4; Col. 9:15-18; Col. 9:22-25; Col. 10:17-34; Col. 10:41-58; Col. 10:65-Col. 11:37; Col. 11:46-Col. 14:57; Col. 15:28-44; Col. 15:59-Col. 16:9; Col. 16:41-Col. 17.16

EXHIBIT 2 – U.S. PATENT NO. 7,088,727

'892 patent: Abstract; Figs. 1-12E; Col. 1:16-Col. 3:4; Col. 3:11-Col. 4:24; Col. 4:32-Col. 5:13; Col. 5:39-Col. 8:42; Col. 9:1-4; Col. 9:15-18; Col. 9:22-25; Col. 10:22-37; Col. 10:46-62; Col. 11:3-31; Col. 11:42-Col. 14:39; Col. 15:15-32; Col. 15:45-64; Col. 16:30-Col. 17:6

'174 application: Claim 1 (p. 13); Abstract; Figs. 1-6; p. 1:7-p. 2:31; p. 3:6-19; p. 3:26-p. 6:31; p. 7:20-24; p. 10:8-25; p. 11:2-20; p. 12:16-27

NMDX0012534-12538; NMDX0012661-12668; NMDX0013551-13563

[8] **Evidence Supporting Defendants' Proposed Construction for "modifying the data"**

'727 patent: 13:65-14:41; '727 Pros. Hist. 3/9/2006 Amdt., p. 14-15

[9] **Evidence Supporting Nomadix's Proposed Construction for "connecting a translator to the network to perform the steps of intercepting the data"**

'727 patent: Claims 11, 12; Abstract; Figs. 1-15; Col. 1:19-Col. 14:57; Col. 15:28-44; Col. 15:59-Col. 16:9; Col. 16:40-Col. 17.16

'892 patent: Abstract; Figs. 1-15; Col. 1:16- Col. 14:39; Col. 15:15-32; Col. 15:45-64; Col. 16:30-Col. 17:6

'174 application: Claim 1 (p. 13); Abstract; Figs. 1-6; p. 1:7-p. 8:35; p. 10:8-25; p. 11:2-20; p. 12:16-27

NMDX0012534-12538; NMDX0012661-12668; NMDX0013551-13563

[10] **Evidence Supporting Defendants' Proposed Construction for "connecting a translator to the network to perform the steps of intercepting the data"**

'727 patent: Figs. 12A-D; 5:61-65; '727 Pros. Hist. 3/9/2006 Amdt., p. 13-14; *see also* '727 Pros. Hist. 3/9/2006 Amdt., p. 14-15.

[11] **Evidence Supporting Nomadix's Proposed Construction for "first network"**

'727 patent: Claims 19, 20; Abstract; Figs. 1-15; Col. 1:19-Col. 2:49; Col. 2:57-Col. 3:9; Col. 3:16-Col. 8:4; Col. 8:13-44; Col. 9:1-4; Col. 9:15-20; Col. 9:22-25; Col. 10:17-58; Col. 10:65-Col. 11:36; Col. 11:46-Col. 14:57; Col. 15:17-44; Col. 15:59-Col. 16:9; Col. 16:41-Col. 17:16

EXHIBIT 2 – U.S. PATENT NO. 7,088,727

'892 patent: Abstract; Figs. 1-15; Col. 1:16-Col. 2:40; Col. 2:52-Col. 3:4; Col. 3:11-Col. 8:43; Col. 9:1-4; Col. 9:15-20; col. 9:22-25; Col. 10:22-63; Col. 11:3-30; Col. 11:42-Col. 14:39; Col. 15:15-32; Col. 15:45-65; Col. 16:30-Col. 17:6

'174 application: Claim 1 (p. 13); Abstract; Figs. 1, 2, 4, 6; p. 1:7-p. 2:2; p. 2:14-31; p. 3:6-6:31; p. 7:20-24; p. 10:8-25; p. 11:2-20; p. 12:16-27

NMDX0012534-12538; NMDX0012661-12668; NMDX0013551-13563

[12] **Evidence Supporting Defendants' Proposed Construction for "first network"**

'727 patent: Abstract; 2:20-27; 4:11-33; 5:15-19; 6:17-21; 10:65-11:17; 12:58-13:3; Figs. 12A-E; Fig. 13; '727 Pros. Hist. 6/7/2004 Amdt., pp. 12-13; '727 Pros. Hist. 3/9/2006 Amdt., pp. 19-21; '892 Pros. Hist., 2/29/2000 Applicants' Arguments, pp. 11-12; '892 Pros. Hist., 2/29/ 2000 Applicants' Arguments, p. 12; RFC 1027, ARP and Transparent Subnet Gateways, October 1987, Section 2.1

[13] **Evidence Supporting Nomadix's Proposed Construction for "network settings of the first network"**

'727 patent: Claim 19; Abstract; Figs. 1-15; Col. 1:19-Col. 2:49; Col. 2:57-Col.3:9; Col. 3:16-Col. 8:44; Col. 9:1-4; Col. 9:15-20; Col. 9:22-25; Col. 10:17-58; Col. 10:65-Col. 11:37; Col. 11:46-Col. 14:57; Col. 15:17-44; Col. 15:59-Col. 16:9; Col. 16:41-Col. 17:16

'892 patent: Abstract; Figs. 1-15; Col. 1:16-Col. 2:40; Col. 2:52-Col. 3:4; Col. 3:11-Col. 8:43; Col. 9:1-4; Col. 9:15-20; col. 9:22-25; Col. 10:22-63; Col. 11:3-30; Col. 11:42-Col. 14:39; Col. 15:15-32; Col. 15:45-65; Col. 16:30-Col. 17:6

'174 application: Claim 1 (p. 13); Abstract; Figs. 1, 2, 4, 6; p. 1:7-p. 2:2; p. 2:14-31; p. 3:6-6:31; p. 7:20-24; p. 10:8-25; p. 11:2-20; p. 12:16-27

NMDX0012534-12538; NMDX0012661-12668; NMDX0013551-13563

[14] **Evidence Supporting Defendants' Proposed Construction for "network settings of the first network"**

'727 patent: 2:63-67; 4:11-33; 6:17-21; '727 Pros. Hist. 6/7/2004 Amdt., pp. 12-13; *See also* '727 Pros. Hist. 3/9/2006 Amdt., pp. 19-21; Definition of "IP address," *Wiley Electrical and Electronics Engineering Dictionary*, at 394 (2004) ("Abbreviation of Internet-Protocol address. An IP address which uniquely identifies any computer or device connected to a TCP/IP network.")

[15] **Evidence Supporting Nomadix's Proposed Construction for "incorrectly configured messages"**

15

EXHIBIT 2 – U.S. PATENT NO. 7,088,727

'727 patent: Claim 19; Abstract; Figs. 1-15; Col. 1:19-Col. 2:49; Col. 2:57-Col. 3:9; Col. 3:16-Col. 8:4; Col. 8:13-44; Col. 9:1-4; Col. 9:15-20; Col. 9:22-25; Col. 10:17-58; Col. 10:65-Col. 11:36; Col. 11:46-Col. 14:57; Col. 15:17-44; Col. 15:59-Col. 16:9; Col. 16:41-Col. 17:16

'892 patent: Abstract; Figs. 1-15; Col. 1:16-Col. 2:40; Col. 2:52-Col. 3:4; Col. 3:11-Col. 8:43; Col. 9:1-4; Col. 9:15-20; col. 9:22-25; Col. 10:22-63; Col. 11:3-30; Col. 11:42-Col. 14:39; Col. 15:15-32; Col. 15:45-65; Col. 16:30-Col. 17:6

'174 application: Claim 1 (p. 13); Abstract; Figs. 1, 2, 4, 6; p. 1:7-p. 2:2; p. 2:14-31; p. 3:6-6:31; p. 7:20-24; p. 10:8-25; p. 11:2-20; p. 12:16-27

NMDX0012534-12538; NMDX0012661-12668; NMDX0013551-13563

[16] **Evidence Supporting Defendants' Proposed Construction for "incorrectly configured messages"**

'727 patent: 1:50-55; 2:5-12; 10:17-22 '727 Pros. Hist. 3/9/2006 Amdt., pp. 19-21; *see also* '727 Pros. Hist. 3/9/2006 Amdt., pp. 13-14.

16

EXHIBIT 3 – U.S. PATENT NO. 7,554,995

DISPUTED CONSTRUCTIONS

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
1. A method of establishing a communications path for a user host device through **a foreign gateway**, wherein **the user host device is configured to communicate through a home gateway by using an IP address of the home gateway**, and wherein the foreign gateway has an IP address different from the **home gateway**, the method comprising the steps of:	a foreign gateway	a gateway not on a network of the home gateway[1]	gateway to which the user device is not normally connected and which corresponds to a local internet [or IP] address that is not the home internet [or IP] address[2]
	the user host device is configured to communicate through a home gateway by using an IP address of the home gateway	No construction is necessary.[3]	user device is configured with a permanent IP address to communicate through a home gateway[4]
	home gateway	No construction is necessary. [5]	gateway to which the user device is normally connected and which corresponds to the home internet [or IP] address[6]

EXHIBIT 3 – U.S. PATENT NO. 7,554,995

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
receiving at the foreign gateway an ARP request packet transmitted from the user host device over the communications path, wherein the ARP request packet includes at least a sender IP address that corresponds to an IP address of the user host device, a sender hardware address that correspond to a hardware address of the user host device, and a target IP address that corresponds to the IP address of the **home gateway**;	home gateway See above		

EXHIBIT 3 – U.S. PATENT NO. 7,554,995

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
responding by the foreign gateway to the ARP request packet by transmitting over the communications path an ARP response packet that includes at least a sender IP address that corresponds to the IP address of the **home gateway**, a sender hardware address that corresponds to a hardware address of the foreign gateway, a target IP address that corresponds to the IP address of the user host device, and a target hardware address that corresponds to the hardware address of the user host device; and	home gateway See above		
17. A method of establishing a communications path between a user host device and **a foreign gateway**, wherein **the user host device is configured to communicate**	a foreign gateway See Claim 1, above		
	home gateway See Claim 1, above		

EXHIBIT 3 – U.S. PATENT NO. 7,554,995

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
through a home gateway by using an IP address of the home gateway, and wherein the foreign gateway has an IP address different from the **home gateway**, the method comprising the steps of:	the user host device is configured to communicate through a home gateway by using an IP address of the home gateway See Claim 1, above		
receiving an ARP request packet transmitted from the user host device over the communications path, wherein the ARP request packet includes at least a sender IP address that corresponds to an IP address of the user host device, a sender hardware address that correspond to a hardware address of the user host device, a target IP address that corresponds to the IP address of the **home gateway**;	home gateway See Claim 1, above		

EXHIBIT 3 – U.S. PATENT NO. 7,554,995

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
responding to the ARP request packet by transmitting over the communications path an ARP response packet that includes at least a sender IP address that corresponds to the IP address of the **home gateway**, a sender hardware address that corresponds to a hardware address of the foreign gateway, a target IP address that corresponds to the IP address of the user host device, and a target hardware address that corresponds to the hardware address of the user host device; and	home gateway See Claim 1, above		
receiving at the foreign gateway a network packet transmitted from the user host device, wherein the network packet comprises at least a target IP address that corresponds to the IP address of the **home gateway** and a target hardware address that corresponds to the hardware address of the foreign gateway.	home gateway See Claim 1, above		

EXHIBIT 3 – U.S. PATENT NO. 7,554,995

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
24. A system that establishes a communications path for a user host device through **a foreign gateway**, wherein **the user host device is configured to communicate through a home gateway by using an IP address of the home gateway**, and wherein the foreign gateway has an IP address different from the **home gateway**, the system comprising:	a foreign gateway See Claim 1, above		
	home gateway See Claim 1, above		
	the user host device is configured to communicate through a home gateway by using an IP address of the home gateway See Claim 1, above		
a foreign gateway configured to receive communications from the user host device, such	a foreign gateway See Claim 1, above		

22

EXHIBIT 3 – U.S. PATENT NO. 7,554,995

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
that the foreign gateway receives an ARP request packet transmitted from the user host device over the communications path, wherein the ARP request packet includes at least a sender IP address that corresponds to an IP address of the user host device, a sender hardware address that correspond to a hardware address of the user host device, and a target IP address that corresponds to the IP address of the **home gateway**;	home gateway See Claim 1, above		

EXHIBIT 3 – U.S. PATENT NO. 7,554,995

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
the foreign gateway further configured to respond to the ARP request packet by transmitting over the communications path an ARP response packet that includes at least a sender IP address that corresponds to the IP address of the **home gateway**, a sender hardware address that corresponds to a hardware address of the foreign gateway, a target IP address that corresponds to the IP address of the user host device, and a target hardware address that corresponds to the hardware address of the user host device; and	home gateway See Claim 1, above		

EXHIBIT 3 – U.S. PATENT NO. 7,554,995

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
the foreign gateway further configured to receive a network packet transmitted from the user host device, wherein the network packet comprises at least a target IP address that is different from the IP address of the **home gateway** and a target hardware address that corresponds to the hardware address of the foreign gateway.	home gateway See Claim 1, above		
40. A system that establishes a communications path between a user host device and **a foreign gateway**, wherein **the user host device is configured to communicate through a home gateway by using an IP address of the home gateway**, and wherein the foreign gateway has an IP address different from the **home gateway**, the system comprising:	a foreign gateway See Claim 1, above		
	home gateway See Claim 1, above		
	the user host device is configured to communicate through a home gateway by using an IP address of the home gateway See Claim 1, above		

25

EXHIBIT 3 – U.S. PATENT NO. 7,554,995

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
a foreign gateway configured to receive communications from the user host device, such that the foreign gateway receives an ARP request packet transmitted from the user host device over the communications path, wherein the ARP request packet includes at least a sender IP address that corresponds to an IP address of the user host device, a sender hardware address that correspond to a hardware address of the user host device, and a target IP address that corresponds to the IP address of the **home gateway**;	home gateway

See Claim 1, above | | |

EXHIBIT 3 – U.S. PATENT NO. 7,554,995

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
the foreign gateway further configured to respond to the ARP request packet by transmitting over the communications path an ARP response packet that includes at least a sender IP address that corresponds to the IP address of the **home gateway**, a sender hardware address that corresponds to a hardware address of the foreign gateway, a target IP address that corresponds to the IP address of the user host device, and a target hardware address that corresponds to the hardware address of the user host device; and	home gateway See Claim 1, above		

EXHIBIT 3 – U.S. PATENT NO. 7,554,995

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
the foreign gateway further configured to receive a network packet transmitted from the user host device, wherein the network packet comprises at least a target IP address that corresponds to the IP address of the **home gateway** and a target hardware address that corresponds to the hardware address of the foreign gateway.	home gateway See Claim 1, above		

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[1] **Evidence Supporting Nomadix's Proposed Construction for "a foreign gateway"**

'995 patent: Claims 1, 7, 9, 10, 14, 15, 17, 19-21, 24, 30, 32, 33, 36-40, 42-44, 46; Abstract; Figs. 2, 4, 6-15; Col. 2:60-Col. 3:3; Col. 4:22-33; Col. 6:5-19; Col. 7:4-12; Col. 8:12-25; Col. 11:30-39; Col. 11:59-Col. 12:6; Col. 12:25-33; Col. 12:44-50; Col. 12:56-67; Col. 14:12-17

'892 patent: Claims 1, 4, 5, 8; Abstract; Figs. 1-7A; 8-9B, 12-15; Col. 1:15-Col.4:6; Col. 4:13-24; Col. 4:32-65; Col. 5:6-Col.8:43; Col. 8:52-67; Col.9:1-3; Col.9:15-20; Col. 9: 31-34; Col. 9:60-61; Col. 10:22-25; Col. 10:29-37; Col. 10:50-52; Col. 11:2-Col. 11:24; Col. 11:43-Col.12:65; Col. 13:10-30; Col. 13:35-57; Col. 14:14-39; Col. 15:4-25; Col. 15:33-Col. 16:9; Col.16:30-57; Col. 16:63-17:1; Col. 17:11-13

U.S. Patent Application No. 08/816,174 ("'174 application"): Claim 1 (p. 13); Abstract; Figs. 1-6; p. 1:7-p. 3:19; p. 3:25-p. 6:31; p. 7:6-23; p. 8:12-18; p. 9:3-p. 10:18; p. 10:25-p. 11:31; p. 12:15-30; p. 13; p. 14

EXHIBIT 3 – U.S. PATENT NO. 7,554,995

NMDX0000499; NMDX0000501-503; NMDX0000543-564; NMDX0000599-619; NMDX0000632-645; NMDX0005198-5205; NMDX0005729-5743; NMDX0005754-5758; NMDX0005762-5763; NMDX0034726

[2] **Evidence Supporting Defendants' Proposed Construction for "a foreign gateway"**

'995 patent: Figs. 12A-12E; 6:16-20.

[3] **Evidence Supporting Nomadix's Proposed Construction for "the user host device is configured to communicate through a home gateway by using an IP address of the home gateway"**

'995 patent: Claims 1-3, 6, 7, 9-17, 19-26, 29, 30, 32-40, 42-48, 52, 53, 55; Title; Abstract; Figs. 1-15; Col. 1:25-Col. 2:17; Col. 2:10-31; Col. 2:42-Col. 4:33; Col. 4:42-45; Col. 4:49-Col. 5:9; Col. 5:13-Col. 8:26; Col. 8:35-Col. 9:45; Col. 9:54-63; Col. 10:9-Col. 12:37; Col. 12:38-67; Col. 13:5-Col. 14:35; Col. 14:42-Col. 15:8; Col. 15:18-Col. 16:32; Col. 16:34-44; Col. 16:65-Col. 17:54

'727 patent: Claims 19, 20; Abstract; Figs. 1-15; Col. 1:19-Col. 8:44; Col. 9:1-4; Col. 9:15-20; Col. 9:22-25; Col. 10:17-58; Col. 10:65-Col. 11:37; Col. 11:46-Col. 14:57; Col. 15:17-44; Col. 15:59-Col. 16:9; Col. 16:41-Col. 17:16

'892 patent: Claim 1; Abstract; Figs. 1-7A; 8-9B, 12-15; Col. 1:15-Col.4:6; Col. 4:13-24; Col. 4:32-65; Col. 5:6-Col.8:43; Col. 8:52-67; Col.9:1-3; Col.9:15-20; Col. 9: 31-34; Col. 9:60-61; Col. 10:22-25; Col. 10:29-37; Col. 10:50-52; Col. 11:2-Col. 11:24; Col. 11:43-Col.12:65; Col.

[4] **Evidence Supporting Defendants' Proposed Construction for "the user host device is configured to communicate through a home gateway by using an IP address of the home gateway"**

'995 patent: 2:18-31; 2:60-3:3; 3:4-12; 6:5-15; 6:16-20; 7:4-12; 7:43-48; 8:14-19; 17:13-19; RFC 1027, ARP and Transparent Subnet Gateways, October 1987, Section 2.1; *Nomadix Inc. v. Second Rule LLC*, Case No. CV 07-01946 DDP, Plaintiff's Opening Claim Construction Brief, Docket No. 72 (August 4, 2008, 2008) at 31-32; '892 Prosecution History, Applicants' Amendment at 11-12 (February 29, 2000).

[5] **Evidence Supporting Nomadix's Proposed Construction for "home gateway"**

29

EXHIBIT 3 – U.S. PATENT NO. 7,554,995

'995 patent: Claims 1-3, 6, 7, 9-17, 19-26, 29, 30, 32-40, 42-48, 52, 53, 55; Title; Abstract; Figs. 1-15; Col. 1:25-Col. 2:17; Col. 2:10-31; Col. 2:42-Col. 4:33; Col. 4:42-45; Col. 4:49-Col. 5:9; Col. 5:13-Col. 8:26; Col. 8:35-Col. 9:45; Col. 9:54-63; Col. 10:9-Col. 12:37; Col. 12:38-67; Col. 13:5-Col. 14:35; Col. 14:42-Col. 15:8; Col. 15:18-Col. 16:32; Col. 16:34-44; Col. 16:65-Col. 17:54

'727 patent: Claims 19, 20; Abstract; Figs. 1-15; Col. 1:19-Col. 8:44; Col. 9:1-4; Col. 9:15-20; Col. 9:22-25; Col. 10:17-58; Col. 10:65-Col. 11:37; Col. 11:46-Col. 14:57; Col. 15:17-44; Col. 15:59-Col. 16:9; Col. 16:41-Col. 17:16

'892 patent: Claim 1; Abstract; Figs. 1-7A; 8-9B, 12-15; Col. 1:15-Col.4:6; Col. 4:13-24; Col. 4:32-65; Col. 5:6-Col.8:43; Col. 8:52-67; Col.9:1-3; Col.9:15-20; Col. 9: 31-34; Col. 9:60-61; Col. 10:22-25; Col. 10:29-37; Col. 10:50-52; Col. 11:2-Col. 11:24; Col. 11:43-Col.12:65; Col. 13:10-30; Col. 13:35-57; Col. 14:14-39; Col. 15:4-25; Col. 15:33-Col. 16:9; Col.16:30-57; Col. 16:63-17:1; Col. 17:11-13

'174 application: Claim 1 (p. 13); Abstract; Figs. 1-6; p. 1:7-p. 3:19; p. 3:25-p. 6:31; p. 7:6-23; p. 8:12-18; p. 9:3-p. 10:18; p. 10:25-p. 11:31; p. 12:15-30; p. 13; p. 14

NMDX0000499; NMDX0000501-503; NMDX0000543-564; NMDX0000599-619; NMDX0000632-645; NMDX0005198-5205; NMDX0005729-5743; NMDX0005754-5758; NMDX0005762-5763; NMDX0012534-12538; NMDX0012661-12668; NMDX0013551-13563; NMDX0034726

[6] **Evidence Supporting Defendants' Proposed Construction for "home gateway"**

'995 patent: 6:16-20; 2:10-17; 12:17-33; 14:12-17; 17:23-32; *Nomadix Inc. v. Second Rule LLC*, Case No. CV 07-01946 DDP, Plaintiff's Opening Claim Construction Brief, Docket No. 72 (August 4, 2008, 2008) at 31-32.

EXHIBIT 4 – U.S. PATENT NO. 6,636,894

AGREED-UPON CONSTRUCTIONS

Claim	Term	Agreed-Upon Construction
1, 5, 6, 8	destination address	The parties have agreed on the Court's prior construction: a specific network location, such as an internet address, email account, FTP address, or other address accessible via an online service
1	all original destination address access requests originating from a computer	The parties have agreed on the Court's prior construction: all access requests for an original destination address originating from a computer
6	the original destination address requests from the computer	The parties have agreed on the Court's prior construction: all access requests for an original destination address from the computer
1	storing	The parties have agreed on the Court's prior construction: recording data into a data storage device
6	stores	The parties have agreed on the Court's prior construction: records data into a data storage device
1, 6-8	stored	The parties have agreed on the Court's prior construction except that the first instance of "data" is removed: recorded on a data storage device

EXHIBIT 4 – U.S. PATENT NO. 6,636,894

Claim	Term	Agreed-Upon Construction
1, 5, 6	browser redirect message	The parties have agreed on the Court's prior construction: a message instructing a computer receiving the message to redirect its browser
1	intercepting, at the gateway device, the browser redirect message	The parties agree with the Court's prior construction of "intercepting" and have included the intercepted object: at the gateway device, receiving and processing the browser redirect message targeted for another device
6	intercepts the browser redirect message	The parties agree to a construction corresponding to the Court's prior construction of "intercepting" and have included the intercepted object: receives and processes the browser redirect message targeted for another device

EXHIBIT 4 – U.S. PATENT NO. 6,636,894

DISPUTED CONSTRUCTIONS

Claims	Terms	Nomadix's Proposed Construction	Defendants' Proposed Construction
1. A method for redirecting an original destination address access request to a redirected destination address, the method comprising the steps of:			
receiving, at a gateway device, all original destination address access requests originating from a computer;			
determining, at the gateway device, which of the original destination address requests require redirection; storing the original destination address if redirection is required;			
modifying, at the gateway device, the original destination address access request and communicating the modified request to a redirection server if redirection is required;			

EXHIBIT 4 – U.S. PATENT NO. 6,636,894

Claims	Terms	Nomadix's Proposed Construction	Defendants' Proposed Construction
responding, at the redirection server, to the modified request with a browser redirect message that reassigns the modified request to an **administrator**-specified, redirected destination address;	administrator	No construction is necessary.[1]	a person who administers the gateway device[2]
intercepting, at the gateway device, the browser redirect message and modifying it with the stored original destination address; and			
sending the **modified browser redirect message** to the computer, which automatically redirects the computer to the redirected destination address.	modified browser redirect message	See agreed-upon construction of "browser redirect message." No further construction is necessary. However, if the Court is inclined to construe the term, Nomadix proposes: a message that contains the stored original destination address, and that instructs a computer receiving the message to redirect its browser[3]	a message that instructs a computer to direct its browser to a specific network location different from the original destination address and that is modified by replacing the source address (i.e., the redirect server address) with the original destination address such that the computer believes that it is directing its browser to the original destination address[4]

EXHIBIT 4 – U.S. PATENT NO. 6,636,894

Claims	Terms	Nomadix's Proposed Construction	Defendants' Proposed Construction
2. The method of claim 1, further comprising the step of directing the computer to the stored original destination address after the computer has been automatically redirected to the redirected destination address.			

EXHIBIT 4 – U.S. PATENT NO. 6,636,894

Claims	Terms	Nomadix's Proposed Construction	Defendants' Proposed Construction
3. **The method of claim 2, wherein the step of directing the computer to the stored original destination address occurs after a predetermined length of time.**	[Entire claim]	Nomadix reserves the right to contend that this claim was not timely identified for construction by the defendants and/or that the defendants' suggested contention of invalidity due to indefiniteness was not timely identified. Subject to that reservation of rights, Nomadix notes that the parties have agreed on constructions for "stored" and "destination address" and contends that no further construction is necessary. However, if the Court is inclined to construe the full claim, Nomadix proposes: The method of claim 2, wherein the step of directing the computer to the stored original destination address occurs after a period of time has elapsed, wherein the period of time is determined prior to the directing. See also agreed-upon constructions of "stored" and "destination address."[5]	The method of claim 1, further comprising the step of directing the computer to the stored original destination address at a predetermined length of time after the computer has been automatically redirected to the redirected destination address.[6]

EXHIBIT 4 – U.S. PATENT NO. 6,636,894

Claims	Terms	Nomadix's Proposed Construction	Defendants' Proposed Construction
5. The method of claim 1, wherein the step of responding, at the redirection server, to the modified request with a browser redirect message that reassigns the modified request to an **administrator**-specified, redirected destination address further comprises responding, at the redirection server, to the modified request with a browser redirect message that reassigns the modified request to a redirected destination address associated with a login page.	administrator See Claim 1, above		
6. A system for redirecting an original destination address access request to a redirected destination address, the system comprising:			
a computer that initiates original destination address requests;			

EXHIBIT 4 – U.S. PATENT NO. 6,636,894

Claims	Terms	Nomadix's Proposed Construction	Defendants' Proposed Construction
a gateway device in communication with the computer, that receives the original destination address requests from the computer, determines if redirection of any of the original destination address requests is required, stores the original destination address request if redirection is required and modifies the original destination address request if redirection is required, and			
a redirection server in communication with the gateway device that receives the modified request from the gateway device and responds with a browser redirect message that reassigns the request to an **administrator**-specified, redirect destination address,	administrator See Claim 1, above		
wherein the gateway device			

38

EXHIBIT 4 – U.S. PATENT NO. 6,636,894

Claims	Terms	Nomadix's Proposed Construction	Defendants' Proposed Construction
intercepts the browser redirect message and modifies the response with the stored original destination address before forwarding the browser redirect message to the computer and wherein the computer receives the **modified browser redirect message** and the computer is automatically redirected to the redirect destination address.	modified browser redirect message See Claim 1, above		
7. The system of claim 6, further comprising a **user profile database** in communication with the gateway device that includes stored user-access information.	user profile database	No construction is necessary.[7]	a database containing stored information corresponding to a user profile, which allows the user transparent network access without entering login information during subsequent login attempts[8]

EXHIBIT 4 – U.S. PATENT NO. 6,636,894

Claims	Terms	Nomadix's Proposed Construction	Defendants' Proposed Construction
8. The system of claim 6, further comprising an Authentication, Authorization and Accounting (AAA) server in communication with the gateway device and **user profile database**, the AAA server determines if a user of the computer is entitled to access the original destination address requests based upon the user-access information stored within the **user profile database**.	user profile database See Claim 7, above		

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[1] **Evidence Supporting Nomadix's Proposed Construction for "administrator"**

'894 patent: Claims 1, 5, and 6; Abstract; Fig. 1; Col. 1:14-17; Col. 2:45-Col. 3:38; Col. 3:42-Col. 4:58; Col. 4:66-5:49; Col. 5:58-62; Col. 7:25-Col. 9:51; Col. 10:20-39; Col. 10:62-11:5; Col. 11: 37-43; Col. 12:8-Col. 13:34

'497 application: pp. 1-6; Figs. 1, 2; Attachment A (pp. 10, 13, 15)

'890 application: p. 7:4-17; Figs. 1, 2; Attachment A (pp. 7, 8, 53, 95-106, 108, 113-115, 129, 132)

'973 application: Attachments A (p. 7), B (pp. 7, 8, 53, 95-106, 108, 113-115, 129, 132)

EXHIBIT 4 – U.S. PATENT NO. 6,636,894

'093 application: Attachment A (pp. 7, 8, 53, 95-106, 108, 113-115, 129, 132)

'139 application: p. 14:30-p. 15:14; Figs. 1, 7; Attachment A (pp. 7, 8, 53, 95-106, 108, 113-115, 129, 132)

'182 application: p. 5:18-22; p. 7:21-p. 8:18; p. 14:3-16; Figs. 1-3; Attachments A (p. 7), C (pp. 7, 8, 53, 95-106, 108, 113-115, 129, 132)

'189 application: p. 8:14-p. 9:4; p. 14:22-p. 15:9; p. 16:1-p. 17:21; Figs. 1, 2; Attachments A (p. 7), B (pp. 7, 8, 53, 95-106, 108, 113-115, 129, 132)

NMDX0008876-NMDX0008890; NMDX0007120-NMDX0007134

[2] **Evidence Supporting Defendants' Proposed Construction for "administrator"**

'894 patent: 2:53-58; 3:27-34; 5:11-15; 8:25-28; 9:61-10:1; 10:27-36; 10:62-65; 11:36-43; 11:44-47; 894 patent, at 12:37-47; "network administrator n. The person in charge of operations on a computer network." Microsoft Press Computer User's Dictionary, 1998, at 242; "system administrator n. The person responsible for administering use of a multiuser computer system, communications system, or both." Microsoft Press Computer User's Dictionary, 1998, at 335.

[3] **Evidence Supporting Nomadix's Proposed Construction for "modified browser redirect message"**

'894 patent: Claims 1 and 6; Abstract; Fig. 1; Col. 1:14-17; Col. 1:66-Col. 2:18; Col. 2:45-Col. 3:38; Col. 3:42-Col. 4:53; Col. 4:66-5:55; Col. 5:58-62; Col. 6:9-50; Col. 7:10-Col. 9:51; Col. 10:62-11:5; Col. 11:13-17, 37-64; Col. 12:8-Col. 13:34

'497 application: pp. 1-6; Figs. 1, 2; Attachment A (pp. 10, 13, 15)

'890 application: p. 7:4-17; Figs. 1, 2; Attachment A (pp. 7, 8, 53, 95-106, 108, 113-115, 129, 132)

'973 application: Attachments A (p. 7), B (pp. 7, 8, 53, 95-106, 108, 113-115, 129, 132)

'093 application: p. 1:3-p. 2:7; p. 6:10-p. 8:15; p. 17:1-p. 18:31; Figs. 1-8; Attachment A (pp. 7, 8, 53, 95-106, 108, 113-115, 129, 132)

EXHIBIT 4 – U.S. PATENT NO. 6,636,894

'139 application: p. 1:7-p. 2:6; p. 2:21-29; p. 8:6-p. 11:4; p. 14:30-p. 15:14; Figs. 1, 7; Attachment A (pp. 7, 8, 53, 95-106, 108, 113-115, 129, 132)

'182 application: p. 1:10-p. 2:3; p. 5:18-22; p. 6:13-p. 7:2; p. 7:21-p. 8:25; p. 14:3-16; Figs. 1-3; Attachments A (p. 7), B (pp. 7, 8, 53, 95-106, 108, 113-115, 129, 132)

'189 application: p. 1:9-p. 2:16; p. 4:29-p. 6:9; p. 6:19-p. 12:2; p. 14:22-p. 15:9; p. 16:1-p. 17:21; Figs. 1, 2; Attachments A (p. 7), C (pp. 7, 8, 53, 95-106, 108, 113-115, 129, 132)

NMDX0008876-NMDX0008890; NMDX0007120-NMDX0007134

[4] **Evidence Supporting Defendants' Proposed Construction for "modified browser redirect message"**

'894 patent File History, April 30, 2003 "Amendment and Response" at 8-9.

[5] **Evidence Supporting Nomadix's Proposed Construction for "The method of claim 2, wherein the step of directing the computer to the stored original destination address occurs after a predetermined length of time."**

'894 patent: Col. 3:42-Col. 4:53; Col. 11:13-17, 37-64; Col. 12:8-Col. 13:34

NMDX0008876-NMDX0008890; NMDX0007120-NMDX0007134

[6] **Evidence Supporting Defendants' Proposed Construction for "The method of claim 2, wherein the step of directing the computer to the stored original destination address occurs after a predetermined length of time."**

Not applicable

[7] **Evidence Supporting Nomadix's Proposed Construction for "user profile database"**

'894 patent: Claims 7 and 10; Abstract; Fig. 1; Col. 3:49-Col. 4:21; Col. 4:32-65; Col. 5:16-35; Col. 7:54-65; Col. 9:5-51; Col. 10:5-39; Col. 10:62-11:25; Col. 11:44-13:34

EXHIBIT 4 – U.S. PATENT NO. 6,636,894

'497 application: pp. 1-6; Figs. 1, 2; Attachment A (pp. 10, 13, 15)

'890 application: p. 5:8-17; p. 7:4-30; p. 9:3-p. 10:31; p. 11:14-p. 12:7; p. 13:1-p. 15:11; Figs. 1-3; Attachment A (pp. 11-14, 35, 39-47, 55, 77-84, 95-106, 111, 113-115, 117, 127, 133)

'973 application: Attachments A, B (pp. 11-14, 35, 39-47, 55, 77-84, 95-106, 111, 113-115, 117, 127, 133)

'093 application: p. 1:3-p. 2:21; p. 2:31-p. 8:15; p. 8:23-p. 18:31; Figs. 1-8; Attachment A (pp. 11-14, 35, 39-47, 55, 77-84, 95-106, 111, 113-115, 117, 127, 133)

'139 application: p. 9:12-p. 11:30; p. 17:10-22; p. 18:14-32; Figs. 1, 7; Attachment A (pp. 11-14, 35, 39-47, 55, 77-84, 95-106, 111, 113-115, 117, 127, 133)

'182 application: Figs. 1-6; Attachments A, B, C (pp. 11-14, 35, 39-47, 55, 77-84, 95-106, 111, 113-115, 117, 127, 133)

'189 application: p. 5:6-p. 6:9; p. 8:14-p. 9:4; p. 10:5-p. 14:21; p. 16:1-p. 17:21; Figs. 1, 2; Attachments A, B (pp. 11-14, 35, 39-47, 55, 77-84, 95-106, 111, 113-115, 117, 127, 133)

NMDX0008876-NMDX0008890; NMDX0007120-NMDX0007134

[8] **Evidence Supporting Defendants' Proposed Construction for "user profile database"**

'894 patent 13:22-33

43

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

AGREED-UPON CONSTRUCTIONS

Claim	Term	Agreed-Upon Construction
10, 17	packet translation learned during a self configuration	packet translation that does not require a user to input identification, reconfigure the source computer, or change the source computer's network settings
17	storing	The parties have agreed on the Court's prior construction of "storing" from the '894 patent: recording data into a data storage device
10	stores	The parties have agreed on the Court's prior construction of "stores" from the '894 patent: records data into a data storage device
10	stored	The parties have agreed on the Court's prior construction of "stored" from the '894 patent, except that the first instance of "data" is removed: recorded on a data storage device
10	an Authentication, Authorization and Accounting (AAA) server	a server that supports and provides the functions of authentication, authorization, and accounting

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

DISPUTED CONSTRUCTIONS

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
10. A system for selectably controlling and customizing access, to a network, by a source, where the source is associated with a source computer, and wherein no configuration software need be installed on the source computer to access the network, comprising:			
a gateway device, wherein the gateway device receives a request from the source for access to the network and provides the source computer with access to the network regardless of network configurations via a packet translation learned during a self configuration;			

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
a source profile database in communication with the gateway device and located external to the gateway device, wherein the source profile database stores **access information** identifiable by an attribute associated with the source, and wherein the attribute is identified based upon a data packet transmitted from the source computer and received by the gateway device, and	a source profile database in communication with the gateway device and located external to the gateway device	No construction is necessary. However, if the Court is inclined to construe the term, Nomadix proposes: a database, configured to store information related to source profiles (e.g., an attribute based on a MAC address, User ID, or VLAN ID), in communication with the gateway device and located external to the gateway device[1]	a database separate from and external to, but in communication with, the gateway device containing stored information corresponding to a source profile[2]
	access information	No construction is necessary.[3]	information defining whether the source is entitled to access the network[4]
an Authentication, Authorization and Accounting (AAA) server in communication with the gateway device and source profile database, wherein the AAA server determines if the source is entitled to access the network based upon the **access**	determines the access rights of the source, wherein access rights define the rights of the source to access destination sites via the network	No construction is necessary. [5]	once the source is authenticated to access the network, determines the rights of the source to access particular destination sites via the network based upon the identity of the source and the content and/or destination requested[6]

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
information stored within the source profile database, and wherein the AAA server **determines the access rights of the source, wherein access rights define the rights of the source to access destination sites via the network**.	access information See "access information" above		
14. The system of claim 10, wherein the source profile database includes a plurality of source profiles, wherein each respective source profile of the plurality of source profiles contains **access information.**	access information See Claim 10, above		
17. A method for redirecting a source attempting to access a destination through a gateway device, wherein source is associated with a source computer, and wherein the gateway device enables the source to communicate with a network, comprising:			

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
receiving at the gateway device a request from the source to access the network regardless of network configurations via a packet translation learned during a self configuration and without requiring the source computer to include network software configured for the network;			
identifying the source based upon an attribute associated with the source;			
accessing **a source profile database located external to the gateway device**, the source profile database storing access rights of the source;	a source profile database located external to the gateway device	No construction is necessary. However, if the Court is inclined to construe the term, Nomadix proposes: a database, configured to store information related to source profiles (e.g., an attribute based on a MAC address, User ID, or VLAN ID), located external to the gateway device[7]	a database separate from and external to, but in communication with, the gateway device containing stored information corresponding to a source profile[8]

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
determining the access rights of the source based upon the identification of the source, wherein the access rights define the rights of the source to access destination sites via the network; and	determining the access rights of the source based upon the identification of the source, wherein the access rights define the rights of the source to access destination sites via the network	No construction is necessary. [9]	once the source is authenticated to access the network, determining the rights of the source to access particular destination sites via the network based upon the identity of the source and the content and/or destination requested[10]
directing the source to a redirection site when the source profile is not located within the source profile database.	directing the source to a redirection site when the source profile is not located within the source profile database	No construction is necessary.[11]	upon determining that the source attempting to access the network does not have a source profile stored within the source profile database, directing the source to a redirection site[12]
21. The method of claim 17, further comprising **updating the source profile database when a new source accesses the network**.	updating the source profile database when a new source accesses the network	No construction is necessary.[13]	at the time that a source first accesses the network, storing a source profile corresponding to that source within the source profile database[14]

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

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[1] **Evidence Supporting Nomadix's Proposed Construction for "a source profile database in communication with the gateway device and located external to the gateway device"**

U.S. Patent No. 7,194, 554

• Abstract, Figs 1 and 2, 1:54-2:35, 3:45-6:26, 8:53-14:30; 3:9-3:44, 4:25-4:62, 6:4-6:37, 6:52-7:59; 8:33-11:5, 11:48-14:19;

U.S. Patent No. 6,636,894

• Abstract, 3:60-4:65, 10:20-10:39, 10:62-11:25, 11:44-13:34; 4:32-5:46, 7:54-7:65, 9:5-9:51, 11:65-12:47, 13:3-13:34

U.S. Pat. App. 09/458,602

• P. 3:25-4:13, p. 4:29-5:5, p. 5:8-5:26, 5:27-6:7, 6:8-6:14, 6:15-6:25, 6:26-7:21, p. 10:25 - p. 11:9, p. 11:10-29, p. 11:30-p. 12:20, p. 12:26-p. 13:11, p. 13:12-21, p. 13:22-32, p. 13:32 - p. 14:21, p. 14:30-p. 15:10, p. 15:11-22, p. 15:23-26, p. 17:7-17, p. 18:11-27, p. 19:6-22; P. 4:22-4:28, p. 5:8-5:26, p. 6:26-7:9, p. 7:15-21, p. 7:22-30, p. 9:30 - p. 10:4, p. 10:25 - p. 11:9, p. 11:10-29, p. 12:21-25, p. 13:12-21, p. 14:30-p. 15:10, p. 15:11-22, p. 15:23–26, p. 16:29-p. 17:6, p. 17:7-17, p. 17:18-30, p. 17:31-p. 18:10, p. 18:11-27, p. 18:28-p. 19:5, p. 19:6-22, p. 19:23-p. 20:2, p. 20:3-11

U.S. Pat. App. 60/161,182

• fig. 2, p. 10:14-25; p. 6:13-p. 8:18

U.S. Pat. App. 60/160,890

• fig. 3, p. 11:14-p. 12:7; p. 7:6-17, p. 7:18-30, p. 9:3-16

U.S. Pat. App. 60/161,139

• p. 5:6-21, p. 5:22-32, p. 11:12-24, p. 12:16-32, p. 13:1-22; p. 5:6-21, p. 5:22-32, p. 6:19-31, p. 8:14-p. 9:4, p. 10:5-32, p. 11:1-11, p. 11:12-24, p. 11:24-p. 12:15, p. 12:16-32, p. 13:1-22, p. 17:5-21

U.S. Pat. App. 60/161,189

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

- p. 5:6-32, p. 12:16-32; p. 5:6-32, p. 8:14-p. 9:4, p. 10:5-15, p. 11:1-11, p. 11:12-p. 12:15, p. 12:16-32, p. 13:1-22, p. 17:5-21

U.S. Pat. App. 60/160,973

U.S. Pat. App. 60/161,181

- p. 4:20-29, p. 9:3-p. 10:29, p. 17:22-27, p. 19:20-29; p. 4:20-29, p. 6:21-29, p. 9:3-p. 10:2, p. 11:16-21, p. 12:9-18, p. 12:29-p. 13:28, p. 14:17-p. 15:2

U.S. Pat. App. 60/161,093

- fig. 7, and 8, p. 3:9-34, p. 4:5-31, p. 7:17-p. 8:15, p. 9:10-p. 12:9, p. 12:10-25, p. 12:26-p. 13:4, p. 13:25-p. 14:14, p. 15:1-10; p. 7:17-p. 8:15

U.S. Pat. App. 60/111,497

- Fig. 1, P. 2, 3, 5; Attachment A, p. 10, 12, 14, Attachment H, p. 4:20-32

NMDX0015204-15   NMDX0015221-37;   NMDX0015241-56   NMDX0015257-75   NMDX0015276-78;   NMDX0015280-96 NMDX0015297-311   NMDX0015312-25   NMDX0015336-48;   NMDX0015351-53);   NMDX0015354-68;   NMDX0015371-89; NMDX0015390-98; NMDX0015399-408

[2] **Evidence Supporting Defendants' Proposed Construction for "a source profile database in communication with the gateway device and located external to the gateway device"**

'554 patent: 10:60-11:5; 6:13-26

[3] **Evidence Supporting Nomadix's Proposed Construction for "access information"**

U.S. Patent No. 7,194, 554

- Abstract, fig. 2, 1:54-5:12, 6:4-6:26, 6:52-8:32, 10:9-12:59, 13:15-14:19

U.S. Patent No. 6,636,894

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

- Abstract, 1:33-5:54, 6:9-7:9, 7:54-10:19, 11:65-13:34

U.S. Pat. App. 09/458,602

- P. 3:25-4:13, p. 4:29-5:5, p. 5:8-5:26, p. 6:15-6:25, p. 6:26-7:9, p. 7:22-30, p. 10:5-24, p. 10:25-p. 11:9, p. 11:10-29, p. 11:30-p. 12:20, p. 12:26-p. 13:11, p. 13:12-21, p. 13:22-31, p. 13:32-p. 14:21, p. 14:30-p. 15:10, p. 15:24-26, p. 17: 7-17, p. 18:11-27, p. 19:16-22

U.S. Pat. App. 60/161,182

- fig. 2, p. 8:19-25, p. 10:14-25

U.S. Pat. App. 60/160,890

- fig. 3, p. 7:6-17, p. 11:14-p. 12:7

U.S. Pat. App. 60/161,139

- p. 5:6-21, p. 5:22-32, p. 10:16-32, p. 11:1-11, p. 13:1-22

U.S. Pat. App. 60/161,189

- p. 5:6-32, p. 12:16-32, p. 13:1-22,

U.S. Pat. App. 60/160,973

U.S. Pat. App. 60/161,181

- p. 9:3-p. 10:2, p. 17:23-27, p. 19:21-29,

U.S. Pat. App. 60/161,093

- fig. 7, and 8, p. 3:9-34, p. 4:5-31, p. 7 :s 17-p. 8:15, p. 9:10-p. 12:9, p. 12:26-p. 13:4, p. 13:25-p. 14:14, p. 15:1-10

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

NMDX0015204-15   NMDX0015221-37;   NMDX0015241-56   NMDX0015257-75   NMDX0015276-78;   NMDX0015280-96   NMDX0015297-311   NMDX0015312-25   NMDX0015336-48;   NMDX0015351-53);   NMDX0015354-68;   NMDX0015371-89; NMDX0015390-98; NMDX0015399-408

[4] **Evidence Supporting Defendants' Proposed Construction for "access information"**

'554 patent: 11:20-32; 4:40-47

[5] **Evidence Supporting Nomadix's Proposed Construction for "determines the access rights of the source, wherein access rights define the rights of the source to access destination sites via the network"**

'554 patent: Abstract, 3:9-5:26, 6:4-6:26, 8:10-8:32, 10:9-12:59, 14:5-19; 1:54-2:14, 2:36-3:64, 4:25-5:37, 6:4-26, 6:52-9:26, 10:9-51, 12:19-36, 12:60-13:14.

'554 Patent – Abstract, 3:9-5:26, 6:4-6:26, 8:10-8:32, 10:9-12:59, 14:5-19

'894 Patent – 3:60-4:58, 8:31-9:4, 11:65-13:44

'182 Application – p. 6:13-p. 7:20

'890 Application – p. 5:27-p. 6-16,

'139 Application – p. 6:13-24, p. 8:6-26, p. 11:31-p. 12:29, p. 15:25-p. 16:2,

'189 Application – p. 7:12-25, p. 13:1-22,

'973 Application – p. 6:13-25

'093 Application – Abstract, p. 4:27-31, p. 6:10-30,

'181 Application – p. 5:21-28, p. 7:24-p. 8:13, p. 11:22-p. 12:8,

'554 Patent – Abstract, 1:54-2:14, 2:36-3:64, 4:25-5:37, 6:4-26, 6:52-9:26, 10:9-51, 12:19-36, 12:60-13:14.

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

'894 Patent – fig. 1, 1:66-2:18, 5:56-62, 6:46-7:9, 9:26-10:4, 12:8-13:34

'182 Application – fig. 1, p. 2:4-19, p. 5:14-17, p. 7:3-p. 10:3, p. 11:20-p. 12:4

'890 Application – fig. 1, p. 2:7-22, p. 3:30-p. 4:9, p. 5:8-17, p. 6:17-p. 7:30, p. 9:3-p. 10:9

'139 Application – fig. 1, p.2:7-20, p. 6:3-12, p. 7:5-12, p. 8:27-p. 10:17,

'189 Application – fig. 1, p. 2:17-30, p. 3:9-p. 6:10, p. 7:26-p. 9:11, p. 10:16:p. 12:15,

'973 Application – Abstract, fig. 1, p. 5:4-29, p. 6:26-p. 8:11, p. 10:6-21, p. 13:3-34,

'093 Application – Abstract, fig. 1, p. 2:8-21, p.4:15-26, p. 5:1-5, p. 6:31-p. 8:22, p. 9:25-p. 12:9, p. 13:5-24, p. 14:19-p. 15:34,

'181 Application – abstract, p. 2:16-29, p. 3:9-p. 4:3, p. 5:29-p. 6:30, p. 8:14-p. 10:9, p. 11:5-p. 14:8, p. 21:1-5,

U.S. Patent No. 7,194, 554

•   Abstract, fig. 2, 1:54-6:26, 6:52-8:32, 8:53-14:30

U.S. Patent No. 6,636,894

•   Abstract, 1:33-5:54, 6:9-7:9, 7:54-10:19, 11:65-13:34

U.S. Pat. App. 09/458,602

•   P. 3:25-4:13, p. 4:29-5:5, p. 5:8-5:26, 5:27-6:7, 6:8-6:14, 6:15-6:25, 6:26-7:21, p. 10:5-24, p. 10:25 - p. 11:9, p. 11:10-29, p. 11:30-p. 12:20, p. 12:26-p. 13:11, p. 13:12-21, p. 13:22-32, p. 13:32-p. 14:21, p. 14:30-p. 15:10, p. 15:11-22, p. 15:23-26, p. 17:7-17, p. 18:11-27, p. 19:6-22

U.S. Pat. App. 60/161,182

•   fig. 2, p. 8:19-25, p. 10:14-25

U.S. Pat. App. 60/160,890

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

- fig. 3, p. 7:6-17, p. 11:14-p. 12:7

U.S. Pat. App. 60/161,139

- p. 5:6-21, p. 5:22-32, p. 11:12-24, p. 12:16-32, p. 13:1-22

U.S. Pat. App. 60/161,189

- p. 5:6-32, p. 12:16-32, p. 13:1-22,

U.S. Pat. App. 60/160,973

U.S. Pat. App. 60/161,181

- p. 4:20-29, p. 9:3-p. 10:29, p. 17:22-27, p. 19:20-29

U.S. Pat. App. 60/161,093

- fig. 7, and 8, p. 3:9-34, p. 4:5-31, p. 7:17-p. 8:15, p. 9:10-p. 12:9, p. 12:10-25, p. 12:26-p. 13:4, p. 13:25-p. 14:14, p. 15:1-10

U.S. Pat. App. 60/111,497

- Fig. 1, P. 2, 3, 5; Attachment A, p. 10, 12, 14, Attachment H, p. 4:20-32

U.S. Patent No. 7,194, 554

- Abstract, fig. 2, 1:54-5:12, 6:4-6:26, 6:52-8:32, 10:9-12:59, 13:15-14:19

U.S. Patent No. 6,636,894

- Abstract, 1:33-5:54, 6:9-7:9, 7:54-10:19, 11:65-13:34

U.S. Pat. App. 09/458,602

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

- P. 3:25-4:13, p. 4:29-5:5, p. 5:8-5:26, p. 6:15-6:25, p. 6:26-7:9, p. 7:22-30, p. 10:5-24, p. 10:25-p. 11:9, p. 11:10-29, p. 11:30-p. 12:20, p. 12:26-p. 13:11, p. 13:12-21, p. 13:22-31, p. 13:32-p. 14:21, p. 14:30-p. 15:10, p. 15:24-26, p. 17: 7-17, p. 18:11-27, p. 19:16-22

U.S. Pat. App. 60/161,182

- fig. 2, p. 8:19-25, p. 10:14-25

U.S. Pat. App. 60/160,890

- fig. 3, p. 7:6-17, p. 11:14-p. 12:7

U.S. Pat. App. 60/161,139

- p. 5:6-21, p. 5:22-32, p. 10:16-32, p. 11:1-11, p. 13:1-22

U.S. Pat. App. 60/161,189

- p. 5:6-32, p. 12:16-32, p. 13:1-22,

U.S. Pat. App. 60/160,973

U.S. Pat. App. 60/161,181

- p. 9:3-p. 10:2, p. 17:23-27, p. 19:21-29,

U.S. Pat. App. 60/161,093

- fig. 7, and 8, p. 3:9-34, p. 4:5-31, p. 7 :s 17-p. 8:15, p. 9:10-p. 12:9, p. 12:26-p. 13:4, p. 13:25-p. 14:14, p. 15:1-10

U.S. Pat. App. 60/111,497

- Fig. 1, p. 2, 3, 5; Attachment A, p. 10, 12; Attachment H p. 4:20-32

U.S. Patent No. 7,194, 554

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

- Abstract, fig. 2, 1:54-5:12, 6:4-6:26, 6:52-8:32, 10:9-12:59, 13:15-14:19

U.S. Patent No. 6,636,894

- Abstract, 1:33-5:54, 6:9-7:9, 7:54-10:19, 11:65-13:34

U.S. Pat. App. 09/458,602

- P. 3:25-4:13, p. 4:29-5:5, p. 5:8-5:26, p. 6:15-6:25, p. 6:26-7:9, p. 7:22-30, p. 10:5-24, p. 10:25-p. 11:9, p. 11:10-29, p. 11:30-p. 12:20, p. 12:26-p. 13:11, p. 13:12-21, p. 13:22-31, p. 13:32-p. 14:21, p. 14:30-p. 15:10, p. 15:24-26, p. 17: 7-17, p. 18:11-27, p. 19:16-22

U.S. Pat. App. 60/161,182

- fig. 2, p. 8:19-25, p. 10:14-25

U.S. Pat. App. 60/160,890

- fig. 3, p. 7:6-17, p. 11:14-p. 12:7

U.S. Pat. App. 60/161,139

- p. 5:6-21, p. 5:22-32, p. 10:16-32, p. 11:1-11, p. 13:1-22

U.S. Pat. App. 60/161,189

- p. 5:6-32, p. 12:16-32, p. 13:1-22,

U.S. Pat. App. 60/160,973

U.S. Pat. App. 60/161,181

- p. 9:3-p. 10:2, p. 17:23-27, p. 19:21-29,

U.S. Pat. App. 60/161,093

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

- fig. 7, and 8, p. 3:9-34, p. 4:5-31, p. 7 :s 17-p. 8:15, p. 9:10-p. 12:9, p. 12:26-p. 13:4, p. 13:25-p. 14:14, p. 15:1-10

U.S. Pat. App. 60/111,497

Fig. 1, p. 2, 3, 5; Attachment A, p. 10, 12; Attachment H p. 4:20-32

NMDX0015204-15   NMDX0015221-37;   NMDX0015241-56   NMDX0015257-75   NMDX0015276-78;   NMDX0015280-96 NMDX0015297-311   NMDX0015312-25   NMDX0015336-48;   NMDX0015351-53);   NMDX0015354-68;   NMDX0015371-89; NMDX0015390-98; NMDX0015399-408

[6] **Evidence Supporting Defendants' Proposed Construction for "determines the access rights of the source, wherein access rights define the rights of the source to access destination sites via the network"**

'554 patent: 10:54-60; 4:40-47; '554 patent File History, May 28, 2004 "Amendment" at 8.

[7] **Evidence Supporting Nomadix's Proposed Construction for "a source profile database located external to the gateway device"**

U.S. Patent No. 7,194,554

- 3:45-3:64, 4:25-4:47, 4:63-5:12, 5:38-5:55, 6:4-6:26, 8:33-9:7, 10:52-11:5, 12:60-13:43

U.S. Pat. 6,636,894

- 7:25-7:53, 9:5-9:25

U.S. App. 60/111,497

- p. 5 ¶ 2; p. 5 ¶ 2; p. 5 ¶ 6; Attachment A — p. 10, ¶ 1; p. 10 ¶ 4; p. 11 ¶ 4; p. 13 ¶ 3; Attachment H — 2:28-3:3; 3:17-3:21; 4:33-5:11; 5:29-6:9; 9:6-13; 11:1-11:17; 12:2-12:7; 12:18-12:28; 16:25-16:35; 19:1-19:6; 22:2-22:16; 23:6-23:20; 24:1-24:15; 28:12-28:20; p. 2 ¶ 4;

U.S. App. 60/161,182

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

- 8:26-9:13;

- "USG 1000 User Manual" pp. 7-8, 12-13, 130-131,

U.S. App. 60/161,139

- 9:12-9:29;

U.S. App. 60/161,189

9:12-9:29

U.S. App. 60/160,973

- 4:26-5:3; 8:12-8:28; 12:21-13:2;

- Fig. 2

U.S. App. 60/161,181

- 10:10-10:29;

U.S. App. 60/161,093

- 8:23-9:9;

U.S. Patent No. 7,194, 554

- Abstract, fig. 2, 1:54-6:26, 6:52-8:32, 8:53-14:30

U.S. Patent No. 6,636,894

- Abstract, 1:33-5:54, 6:9-7:9, 7:54-10:19, 11:65-13:34

U.S. Pat. App. 09/458,602

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

- P. 3:25-4:13, p. 4:29-5:5, p. 5:8-5:26, 5:27-6:7, 6:8-6:14, 6:15-6:25, 6:26-7:21, p. 10:5-24, p. 10:25 - p. 11:9, p. 11:10-29, p. 11:30-p. 12:20, p. 12:26-p. 13:11, p. 13:12-21, p. 13:22-32, p. 13:32-p. 14:21, p. 14:30-p. 15:10, p. 15:11-22, p. 15:23-26, p. 17:7-17, p. 18:11-27, p. 19:6-22

U.S. Pat. App. 60/161,182

- fig. 2, p. 8:19-25, p. 10:14-25

U.S. Pat. App. 60/160,890

- fig. 3, p. 7:6-17, p. 11:14-p. 12:7

U.S. Pat. App. 60/161,139

- p. 5:6-21, p. 5:22-32, p. 11:12-24, p. 12:16-32, p. 13:1-22

U.S. Pat. App. 60/161,189

- p. 5:6-32, p. 12:16-32, p. 13:1-22,

U.S. Pat. App. 60/160,973

U.S. Pat. App. 60/161,181

- p. 4:20-29, p. 9:3-p. 10:29, p. 17:22-27, p. 19:20-29

U.S. Pat. App. 60/161,093

- fig. 7, and 8, p. 3:9-34, p. 4:5-31, p. 7:17-p. 8:15, p. 9:10-p. 12:9, p. 12:10-25, p. 12:26-p. 13:4, p. 13:25-p. 14:14, p. 15:1-10

U.S. Pat. App. 60/111,497

- Fig. 1, P. 2, 3, 5; Attachment A, p. 10, 12, 14, Attachment H, p. 4:20-32

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

NMDX0015204-15   NMDX0015221-37;   NMDX0015241-56   NMDX0015257-75   NMDX0015276-78;   NMDX0015280-96   NMDX0015297-311   NMDX0015312-25   NMDX0015336-48;   NMDX0015351-53);   NMDX0015354-68;   NMDX0015371-89; NMDX0015390-98; NMDX0015399-408

[8] **Evidence Supporting Defendants' Proposed Construction for "a source profile database located external to the gateway device"**

'554 patent: 10:60-11:5; 6:13-26

[9] **Evidence Supporting Nomadix's Proposed Construction for "determining the access rights of the source based upon the identification of the source, wherein the access rights define the rights of the source to access destination sites via the network"**

'554 patent: Abstract, 3:9-5:26, 6:4-6:26, 8:10-8:32, 10:9-12:59, 14:5-19; 1:54-2:14, 2:36-3:64, 4:25-5:37, 6:4-26, 6:52-9:26, 10:9-51, 12:19-36, 12:60-13:14.

'554 Patent – Abstract, 3:9-5:26, 6:4-6:26, 8:10-8:32, 10:9-12:59, 14:5-19

'894 Patent – 3:60-4:58, 8:31-9:4, 11:65-13:44

'182 Application – p. 6:13-p. 7:20

'890 Application – p. 5:27-p. 6-16,

'139 Application – p. 6:13-24, p. 8:6-26, p. 11:31-p. 12:29, p. 15:25-p. 16:2,

'189 Application – p. 7:12-25, p. 13:1-22,

'973 Application – p. 6:13-25

'093 Application – Abstract, p. 4:27-31, p. 6:10-30,

'181 Application – p. 5:21-28, p. 7:24-p. 8:13, p. 11:22-p. 12:8,

'554 Patent – Abstract, 1:54-2:14, 2:36-3:64, 4:25-5:37, 6:4-26, 6:52-9:26, 10:9-51, 12:19-36, 12:60-13:14.

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

'894 Patent – fig. 1, 1:66-2:18, 5:56-62, 6:46-7:9, 9:26-10:4, 12:8-13:34

'182 Application – fig. 1, p. 2:4-19, p. 5:14-17, p. 7:3-p. 10:3, p. 11:20-p. 12:4

'890 Application – fig. 1, p. 2:7-22, p. 3:30-p. 4:9, p. 5:8-17, p. 6:17-p. 7:30, p. 9:3-p. 10:9

'139 Application – fig. 1, p.2:7-20, p. 6:3-12, p. 7:5-12, p. 8:27-p. 10:17,

'189 Application – fig. 1, p. 2:17-30, p. 3:9-p. 6:10, p. 7:26-p. 9:11, p. 10:16:p. 12:15,

'973 Application – Abstract, fig. 1, p. 5:4-29, p. 6:26-p. 8:11, p. 10:6-21, p. 13:3-34,

'093 Application – Abstract, fig. 1, p. 2:8-21, p.4:15-26, p. 5:1-5, p. 6:31-p. 8:22, p. 9:25-p. 12:9, p. 13:5-24, p. 14:19-p. 15:34,

'181 Application – abstract, p. 2:16-29, p. 3:9-p. 4:3, p. 5:29-p. 6:30, p. 8:14-p. 10:9, p. 11:5-p. 14:8, p. 21:1-5,

U.S. Patent No. 7,194, 554

• Abstract, fig. 2, 1:54-6:26, 6:52-8:32, 8:53-14:30

U.S. Patent No. 6,636,894

• Abstract, 1:33-5:54, 6:9-7:9, 7:54-10:19, 11:65-13:34

U.S. Pat. App. 09/458,602

• P. 3:25-4:13, p. 4:29-5:5, p. 5:8-5:26, 5:27-6:7, 6:8-6:14, 6:15-6:25, 6:26-7:21, p. 10:5-24, p. 10:25 - p. 11:9, p. 11:10-29, p. 11:30-p. 12:20, p. 12:26-p. 13:11, p. 13:12-21, p. 13:22-32, p. 13:32-p. 14:21, p. 14:30-p. 15:10, p. 15:11-22, p. 15:23-26, p. 17:7-17, p. 18:11-27, p. 19:6-22

U.S. Pat. App. 60/161,182

• fig. 2, p. 8:19-25, p. 10:14-25

U.S. Pat. App. 60/160,890

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

- fig. 3, p. 7:6-17, p. 11:14-p. 12:7

U.S. Pat. App. 60/161,139

- p. 5:6-21, p. 5:22-32, p. 11:12-24, p. 12:16-32, p. 13:1-22

U.S. Pat. App. 60/161,189

- p. 5:6-32, p. 12:16-32, p. 13:1-22,

U.S. Pat. App. 60/160,973

U.S. Pat. App. 60/161,181

- p. 4:20-29, p. 9:3-p. 10:29, p. 17:22-27, p. 19:20-29

U.S. Pat. App. 60/161,093

- fig. 7, and 8, p. 3:9-34, p. 4:5-31, p. 7:17-p. 8:15, p. 9:10-p. 12:9, p. 12:10-25, p. 12:26-p. 13:4, p. 13:25-p. 14:14, p. 15:1-10

U.S. Pat. App. 60/111,497

- Fig. 1, P. 2, 3, 5; Attachment A, p. 10, 12, 14, Attachment H, p. 4:20-32

U.S. Patent No. 7,194, 554

- Abstract, fig. 2, 1:54-5:12, 6:4-6:26, 6:52-8:32, 10:9-12:59, 13:15-14:19

U.S. Patent No. 6,636,894

- Abstract, 1:33-5:54, 6:9-7:9, 7:54-10:19, 11:65-13:34

U.S. Pat. App. 09/458,602

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

- P. 3:25-4:13, p. 4:29-5:5, p. 5:8-5:26, p. 6:15-6:25, p. 6:26-7:9, p. 7:22-30, p. 10:5-24, p. 10:25-p. 11:9, p. 11:10-29, p. 11:30-p. 12:20, p. 12:26-p. 13:11, p. 13:12-21, p. 13:22-31, p. 13:32-p. 14:21, p. 14:30-p. 15:10, p. 15:24-26, p. 17: 7-17, p. 18:11-27, p. 19:16-22

U.S. Pat. App. 60/161,182

- fig. 2, p. 8:19-25, p. 10:14-25

U.S. Pat. App. 60/160,890

- fig. 3, p. 7:6-17, p. 11:14-p. 12:7

U.S. Pat. App. 60/161,139

- p. 5:6-21, p. 5:22-32, p. 10:16-32, p. 11:1-11, p. 13:1-22

U.S. Pat. App. 60/161,189

- p. 5:6-32, p. 12:16-32, p. 13:1-22,

U.S. Pat. App. 60/160,973

U.S. Pat. App. 60/161,181

- p. 9:3-p. 10:2, p. 17:23-27, p. 19:21-29,

U.S. Pat. App. 60/161,093

- fig. 7, and 8, p. 3:9-34, p. 4:5-31, p. 7 :s 17-p. 8:15, p. 9:10-p. 12:9, p. 12:26-p. 13:4, p. 13:25-p. 14:14, p. 15:1-10

U.S. Pat. App. 60/111,497

- Fig. 1, p. 2, 3, 5; Attachment A, p. 10, 12; Attachment H p. 4:20-32

U.S. Patent No. 7,194, 554

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

-     Abstract, fig. 2, 1:54-5:12, 6:4-6:26, 6:52-8:32, 10:9-12:59, 13:15-14:19

U.S. Patent No. 6,636,894

-     Abstract, 1:33-5:54, 6:9-7:9, 7:54-10:19, 11:65-13:34

U.S. Pat. App. 09/458,602

-     P. 3:25-4:13, p. 4:29-5:5, p. 5:8-5:26, p. 6:15-6:25, p. 6:26-7:9, p. 7:22-30, p. 10:5-24, p. 10:25-p. 11:9, p. 11:10-29, p. 11:30-p. 12:20, p. 12:26-p. 13:11, p. 13:12-21, p. 13:22-31, p. 13:32-p. 14:21, p. 14:30-p. 15:10, p. 15:24-26, p. 17: 7-17, p. 18:11-27, p. 19:16-22

U.S. Pat. App. 60/161,182

-     fig. 2, p. 8:19-25, p. 10:14-25

U.S. Pat. App. 60/160,890

-     fig. 3, p. 7:6-17, p. 11:14-p. 12:7

U.S. Pat. App. 60/161,139

-     p. 5:6-21, p. 5:22-32, p. 10:16-32, p. 11:1-11, p. 13:1-22

U.S. Pat. App. 60/161,189

-     p. 5:6-32, p. 12:16-32, p. 13:1-22,

U.S. Pat. App. 60/160,973

U.S. Pat. App. 60/161,181

-     p. 9:3-p. 10:2, p. 17:23-27, p. 19:21-29,

U.S. Pat. App. 60/161,093

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

- fig. 7, and 8, p. 3:9-34, p. 4:5-31, p. 7 :s 17-p. 8:15, p. 9:10-p. 12:9, p. 12:26-p. 13:4, p. 13:25-p. 14:14, p. 15:1-10

U.S. Pat. App. 60/111,497

Fig. 1, p. 2, 3, 5; Attachment A, p. 10, 12; Attachment H p. 4:20-32

NMDX0015204-15   NMDX0015221-37;   NMDX0015241-56   NMDX0015257-75   NMDX0015276-78;   NMDX0015280-96
NMDX0015297-311   NMDX0015312-25   NMDX0015336-48;   NMDX0015351-53);   NMDX0015354-68;   NMDX0015371-89;
NMDX0015390-98; NMDX0015399-408

[10] **Evidence Supporting Defendants' Proposed Construction for "determining the access rights of the source based upon the identification of the source, wherein the access rights define the rights of the source to access destination sites via the network"**

'554 patent: 10:54-60; 4:40-47; '554 patent File History, May 28, 2004 "Amendment" at 8.

[11] **Evidence Supporting Nomadix's Proposed Construction for "directing the source to a redirection site when the source profile is not located within the source profile database"**

U.S. Pat. 7,194,554

- 6:4-6:26, 9:8-10:37, 12:37-13:14

U.S. Pat. 6,636,894

- Abstract, 2:45-2:61, 3:27-3:39, 9:5-9:51

U.S. App. 60/111,497

- p. 3, ¶ 1; p. 5 ¶ 2; p. 5 ¶ 6;

- Fig. 1

- Attachment A — p. 10, ¶ 3; p. 11 ¶ 4; p. 13 ¶ 4;

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

- Attachment H — 19:8-19:15;

U.S. App. 60/161,182

- "PMS/Credit Card/Radius Design Spec." pp. 3-5, 7

- "USG 1000 User Manual" pp. 7-8, 11-14, 39-40, 43, 45, 53, 58, 101, 103-104, 108

- Fig. 2

U.S. App. 60/160,890

- 7:18-7:30;

U.S. App. 60/161,139

- 14:22-15:9;

U.S. App. 60/161,189

- 8:14-9:4; 14:22-15:9;

U.S. App. 60/160,973

U.S. App. 60/161,181

- 9:3-10:2;

U.S. App. 60/161,093

NMDX0015204-15   NMDX0015221-37;   NMDX0015241-56   NMDX0015257-75   NMDX0015276-78;   NMDX0015280-96
NMDX0015297-311   NMDX0015312-25   NMDX0015336-48;   NMDX0015351-53);   NMDX0015354-68;   NMDX0015371-89;
NMDX0015390-98; NMDX0015399-408

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

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[12] **Evidence Supporting Defendants' Proposed Construction for "directing the source to a redirection site when the source profile is not located within the source profile database"**

'554 patent: 9:54-57; 12:37-56

[13] **Evidence Supporting Nomadix's Proposed Construction for "updating the source profile database when a new source accesses the network"**

U.S. Patent No. 7,194, 554

- Abstract, fig. 2, 1:54-6:26, 6:52-8:32, 8:53-14:30

U.S. Patent No. 6,636,894

- Abstract, 1:33-5:54, 6:9-7:9, 7:54-10:19, 11:65-13:34

U.S. Pat. App. 09/458,602

- P. 3:25-4:13, p. 4:29-5:5, p. 5:8-5:26, 5:27-6:7, 6:8-6:14, 6:15-6:25, 6:26-7:21, p. 10:5-24, p. 10:25 - p. 11:9, p. 11:10-29, p. 11:30-p. 12:20, p. 12:26-p. 13:11, p. 13:12-21, p. 13:22-32, p. 13:32-p. 14:21, p. 14:30-p. 15:10, p. 15:11-22, p. 15:23-26, p. 17:7-17, p. 18:11-27, p. 19:6-22

U.S. Pat. App. 60/161,182

- fig. 2, p. 8:19-25, p. 10:14-25

U.S. Pat. App. 60/160,890

- fig. 3, p. 7:6-17, p. 11:14-p. 12:7

U.S. Pat. App. 60/161,139

- p. 5:6-21, p. 5:22-32, p. 11:12-24, p. 12:16-32, p. 13:1-22

EXHIBIT 5 – U.S. PATENT NO. 7,194,554

U.S. Pat. App. 60/161,189

- p. 5:6-32, p. 12:16-32, p. 13:1-22,

U.S. Pat. App. 60/160,973

U.S. Pat. App. 60/161,181

- p. 4:20-29, p. 9:3-p. 10:29, p. 17:22-27, p. 19:20-29

U.S. Pat. App. 60/161,093

- fig. 7, and 8, p. 3:9-34, p. 4:5-31, p. 7:17-p. 8:15, p. 9:10-p. 12:9, p. 12:10-25, p. 12:26-p. 13:4, p. 13:25-p. 14:14, p. 15:1-10

U.S. Pat. App. 60/111,497

- Fig. 1, P. 2, 3, 5; Attachment A, p. 10, 12, 14, Attachment H, p. 4:20-32

NMDX0015204-15   NMDX0015221-37;   NMDX0015241-56   NMDX0015257-75   NMDX0015276-78;   NMDX0015280-96
NMDX0015297-311   NMDX0015312-25   NMDX0015336-48;   NMDX0015351-53);   NMDX0015354-68;   NMDX0015371-89;
NMDX0015390-98; NMDX0015399-408

[14] **Evidence Supporting Defendants' Proposed Construction for "updating the source profile database when a new source accesses the network"**

'554 patent: 9:45-53; 5:21-26

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

AGREED-UPON CONSTRUCTIONS

Claim	Term	Agreed-Upon Construction
1, 6, 13, 18	agent	The parties have agreed on the Court's prior construction: special client software for managing the communication between the client and the gateway device
1, 13	for billing purposes	The parties have agreed on the Court's prior construction: for billing purposes
1	for automatically billing the user based upon usage of the computer network	The parties agree with the Court's prior construction, except with "upon" replacing "on" (the Court's recitation of the claim language also had "on" instead of "upon"): for automatically billing the user based upon usage of the computer network
13	for automatically billing the user based upon the physical location of the user and the usage of the computer network	The parties have agreed on the Court's prior construction: for automatically billing the user based upon the physical location of the user and the usage of the computer network

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

DISPUTED CONSTRUCTIONS

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
1. A system for integrating a gateway device with a management system to automatically bill a user for access to a computer network, comprising:			
a computer;			
a network gateway device in communication with said computer for connecting the computer to the computer network, wherein the network gateway device communicates with the computer **absent additional agents implemented by the**	absent additional agents implemented by the computer	Nomadix agrees with the Court's prior construction (for the corresponding term from Claim 6): absent additional special client software implemented by the computer for managing the communication between the computer and the gateway device[1]	without the need to implement additional "agents" or to reconfigure the computer in any manner[2]

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
computer and wherein the network gateway device maintains **data representative of the user's access to the computer network**; and	data representative of the user's access to the computer network	No construction is necessary. However, if the Court is inclined to construe the term, Nomadix proposes: data representative of the user's access to the computer network, such as data representative of location, access time, date which access was obtained, billing rate, or other pertinent information[3]	data indicating where within the network the user accessed the computer network and the extent of access on the computer network[4]
a management system connected to said network gateway device for automatically billing the user based upon **usage of the computer network**, wherein said management system is configured to communicate according to at least one **predetermined protocol**,	a management system connected to said network gateway device	No construction is necessary.[5]	a management system that is separate from the network gateway device for managing a property's operations and connected to the network gateway device via a physical link[6]
	usage of the computer network	Nomadix agrees with the Court's prior construction (construing this phrase in the context of a larger phrase): usage of the computer network[7]	the extent of access on the computer network[8]
	predetermined protocol	No construction is necessary.[9]	call accounting record[10]

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
wherein the network gateway device formats the data into **call accounting record format**, and wherein said management system receives the data formatted by the network gateway device and utilizes the data formatted by the network gateway device for billing purposes.	call accounting record format	Nomadix agrees with the Court's prior construction: a format that can be used to organize data related to telephone calls[11]	a format that can be used to organize data related to telephone calls that includes fields corresponding to charged amount and phone number called[12]
3. The system of claim 1, wherein the **data representative of the user's access to the computer network** comprises data representative of the user's location.	data representative of the user's access to the computer network See Claim 1, above		
6. A method for integrating a gateway device with **a management system** to automatically bill a customer for access to a computer network, comprising:	a management system	No construction is necessary.[13]	a management system that is separate from the network gateway device for managing a property's operations and connected to the network gateway device via a physical link[14]

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
enabling a user to access, via a network gateway device, a computer network **absent additional agents implemented by a user's computer**;	absent additional agents implemented by a user's computer	Nomadix agrees with the Court's prior construction: absent additional special client software implemented by the computer for managing the communication between the computer and the gateway device[15]	without the need to implement additional "agents" or to reconfigure the user's computer in any manner[16]
collecting data corresponding to the user's access to said computer network in said network gateway device;	collecting data corresponding to the user's access to said computer network	Nomadix agrees with the Court's prior construction: collecting data corresponding to the user's access to said computer network[17]	monitoring and recording "data representative of the user's access to the computer network," including a "physical location" of the user and the "user's network usage," in said network gateway device[18]
reconfiguring said data into **call accounting record format**; and	call accounting record format See Claim 1, above		
transmitting the reconfigured data to the management system.			

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
13. A system for integrating a gateway device with a management system to automatically bill a user for access to a computer network, comprising:			
a computer;			
a network gateway device in communication with said computer for connecting the computer to the computer network, wherein the network gateway device communicates with the computer **absent additional agents implemented by the computer** and wherein the network gateway device maintains data representative of the user's **physical location** and **usage of the computer network**; and	absent additional agents implemented by the computer See Claim 1, above		
	physical location	No construction is necessary.[19]	communication port through which the user's computer accessed the network[20]
	usage of the computer network See Claim 1, above		
a management system connected to said network gateway device for automatically billing the user based upon the **physical**	a management system connected to said network gateway device See Claim 1, above		

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
location of the user and the **usage of the computer network**, wherein said management system is configured to communicate according to at least one **predetermined protocol**,	physical location See Claim 13, above		
	usage of the computer network See Claim 1, above		
	predetermined protocol See Claim 1		
wherein the network gateway device formats the data to meet one of the **predetermined protocol**s supported by said management system, and wherein said management system receives the data formatted by the network gateway device and utilizes the data formatted by the network gateway device, including the **physical location** of the user and **the user's network usage**, for billing purposes.	physical location See Claim 13, above		
	the user's network usage	Nomadix agrees with the Court's prior construction: the user's use of the computer network[21]	the extent of access on the computer network[22]
	predetermined protocol See Claim 1		

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
15. The system of claim 13, wherein the at least one **predetermined protocol** is selected from the group consisting of a low level protocol, **a call accounting record**, and a private branch telephone system protocol.	a call accounting record	Nomadix agrees with the Court's prior construction: a protocol that can be used to organize data related to telephone calls[23]	a protocol that can be used to organize data related to telephone calls that includes fields corresponding to charged amount and phone number called[24]
	predetermined protocol See Claim 1		
18. A method for integrating a gateway device with **a management system** to automatically bill a customer for access to a computer network, comprising:	a management system See Claim 6, above		
enabling a user to access, via a network gateway device, a computer network, **absent additional agents implemented by a user's computer**;	absent additional agents implemented by a user's computer See Claim 6, above		

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
collecting data corresponding to the user's access to said computer network, including a physical location of the user and the user's network usage, in said network gateway device;	collecting data corresponding to the user's access to said computer network, including a physical location of the user and the user's network usage, in said network gateway device	See "collecting data corresponding to the user's access to said computer network," in Claim 6, above. No further construction is necessary.[25]	monitoring and recording "data representative of the user's access to the computer network," including a "physical location" of the user and the "user's network usage," in said network gateway device (See constructions of "data representative of the user's access to the computer network," "physical location," and "user's network usage")[26]
	physical location See Claim 13, above		
	the user's network usage See Claim 13, above		
reconfiguring said data to one of the **predetermined data formats** which may be received by a management system; and transmitting the reconfigured data to the management system.	predetermined data formats	No construction is necessary.[27]	call accounting record format[28]
20. The method of claim 18,			

78

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
wherein reconfiguring said data comprises reconfiguring said data to one of said predetermined formats selected from the group consisting of a low level protocol, **a call accounting record**, and a private branch telephone system protocol.	a call accounting record See Claim 15, above		

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[1] **Evidence Supporting Nomadix's Proposed Construction for "absent additional agents implemented by the computer"**

The Court's prior construction

'399 Patent: Claim 1; Abstract; Figs. 1-3; Col. 1:30-Col. 2:32; Col. 2:45-Col. 3:17; Col. 3:27-31, 60-62; Col. 3:65-Col. 5:34; Col. 6:10-48; Col. 7:43-47, 58-64; Col. 9:5-34

'973 Application: p. 1:14-16; p. 2:8-p. 3:28; p. 4:5-p. 5:13; p. 5:24-28; p. 6:5-28; p. 7:7-p. 12:20; p. 13:3-34; p. 15:1-p. 17:27; Figs. 1, 2; Attachments A, B

'093 Application: p. 1:3-p. 3:8; p. 3:17-p. 9:17; p. 9:25-p. 12:25; p. 13:25-p. 16:12; p. 17:1-p. 18:31; Figs. 1-8; Attachment A

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

'139 Application: p. 1:3-4; p. 2:7-p. 3:11; p. 4:15-p. 7:30; p. 8:6-p. 11:4; p. 11:19-p. 12:13; p. 14:6-p. 19:8; p. 20:1-p. 21:31; Figs. 1-7; Attachments A-G

'181 Application: p. 1:2-p. 4:19; p. 5:20-p. 6:11; p. 7:1-15; p. 7:24-p. 12:18; p. 14:9-p. 22:20; p. 23:1-p. 24:16; Figs. 1-4; Attachments A-E

'182 Application: p. 1:5-p. 3:20; p. 4:14-p. 5:27; p. 6:13-p. 17:2; p. 18:2-p. 20:13; Figs. 1-9; Attachments A-C

'189 Application: p. 1:5-p. 3:23; p. 4:29-p. 6:9; p. 6:19-p. 12:15; p. 13:1-p. 15:9; p. 16:1-p. 17:21; Figs. 1, 2; Attachments A, B

'174 Application: p. 1:7-10; p. 1:26-p. 3:19; p. 3:26-p. 14:15; Figs. 1-6

'497 Application: pp. 1-6; Figs. 1, 2; Attachments A (pp. 2, 9-15), B-F, H (p. 1:10-p. 10:9; p. 11:9-p. 29:24, Figs. 1-15)

'060 Application: p. 2:2-4; p. 2:27-p. 3:23; p. 4:28-p. 5:13; p. 5:24-p. 6:26; p. 7:7-p. 8:15; p. 9:2-6; p. 9:16-p. 10:8; p. 10:24-p. 11:5; p. 11:18-p. 12:2; p. 13:1-13; p. 14:16-p. 15:3; p. 15:28-p. 16:25; p. 18:3-18; p. 19:3-p. 20:20; p. 21:1-p. 27:16; Figs. 1-2

NMDX0010442-NMDX0010458;   NMDX0010748-NMDX0010751;   NMDX0010752-NMDX0010758;   NMDX0010764-NMDX0010785

[2] **Evidence Supporting Defendants' Proposed Construction for "absent additional agents implemented by the computer"**

'399 File History, Amendment in Response to June 4, 2003 Office Action, at 8-9; '892 patent at 6:5-9; *Nomadix Inc. v. Second Rule LLC*, Case No. CV 07-01946 DDP, Amended Claim Construction Order, Docket No. 137 (October 15, 2008) at 11.

[3] **Evidence Supporting Nomadix's Proposed Construction for "data representative of the user's access to the computer network"**

'399 Patent: Claim 1; Abstract; Figs. 1-3; Col. 1:30-Col. 2:32; Col. 2:45-Col. 3:17; Col. 3:27-31, 60-62; Col. 3:65-Col. 5:34; Col. 6:10-48; Col. 7:43-47, 58-64; Col. 9:5-34

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

'973 Application: p. 1:14-16; p. 2:8-p. 3:28; p. 4:5-p. 5:13; p. 5:24-28; p. 6:5-28; p. 7:7-p. 12:20; p. 13:3-34; p. 15:1-p. 17:27; Figs. 1, 2; Attachments A, B

'093 Application: p. 1:3-p. 3:8; p. 3:17-p. 9:17; p. 9:25-p. 12:25; p. 13:25-p. 16:12; p. 17:1-p. 18:31; Figs. 1-8; Attachment A

'139 Application: p. 1:3-4; p. 2:7-p. 3:11; p. 4:15-p. 7:30; p. 8:6-p. 11:4; p. 11:19-p. 12:13; p. 14:6-p. 19:8; p. 20:1-p. 21:31; Figs. 1-7; Attachments A-G

'181 Application: p. 1:2-p. 4:19; p. 5:20-p. 6:11; p. 7:1-15; p. 7:24-p. 12:18; p. 14:9-p. 22:20; p. 23:1-p. 24:16; Figs. 1-4; Attachments A-E

'182 Application: p. 1:5-p. 3:20; p. 4:14-p. 5:27; p. 6:13-p. 17:2; p. 18:2-p. 20:13; Figs. 1-9; Attachments A-C

'189 Application: p. 1:5-p. 3:23; p. 4:29-p. 6:9; p. 6:19-p. 12:15; p. 13:1-p. 15:9; p. 16:1-p. 17:21; Figs. 1, 2; Attachments A, B

'174 Application: p. 1:7-10; p. 1:26-p. 3:19; p. 3:26-p. 14:15; Figs. 1-6

'497 Application: pp. 1-6; Figs. 1, 2; Attachments A (pp. 2, 9-15), B-F, H (p. 1:10-p. 10:9; p. 11:9-p. 29:24, Figs. 1-15)

'060 Application: p. 2:2-4; p. 2:27-p. 3:23; p. 4:28-p. 5:13; p. 5:24-p. 6:26; p. 7:7-p. 8:15; p. 9:2-6; p. 9:16-p. 10:8; p. 10:24-p. 11:5; p. 11:18-p. 12:2; p. 13:1-13; p. 14:16-p. 15:3; p. 15:28-p. 16:25; p. 18:3-18; p. 19:3-p. 20:20; p. 21:1-p. 27-16; Figs. 1-2

NMDX0010442-NMDX0010458;   NMDX0010748-NMDX0010751;   NMDX0010752-NMDX0010758;   NMDX0010764-NMDX0010785

[4] **Evidence Supporting Defendants' Proposed Construction for "data representative of the user's access to the computer network"**

'399 patent: 6:36-41; 3:14-18

[5] **Evidence Supporting Nomadix's Proposed Construction for "a management system connected to said network gateway device"**

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

'399 Patent: Claim 1; Abstract; Figs. 1-3; Col. 1:30-Col. 4:9; Col. 4:22-Col. 5:34; Col. 5:42-Col. 7:41; Col. 7:51-55; Col. 7:64-Col. 8:25; Col. 8:37-Col. 10:9

'973 Application: p. 1:14-p. 2:21; p. 3:6-p. 5:13; p. 5:24-28; p. 6:5-25; p. 7:7-p. 11:29; p. 11:30-p. 13:34; p. 15:1-p. 17:27; Figs. 1, 2; Attachments A (PMS/Credit Card/RADIUS Design Specification), B (USG User Guide v. 2) (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'093 Application: p. 1:3-p. 3:8; p. 4:2-p. 9:9; p. 12:10-p. 13:4; p. 17:1-p. 18:31; Figs. 1-6; Attachment A (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'139 Application: p. 1:3-p. 3:11; p. 4:15-p. 7:30; p. 8:6-p. 11:18; p. 14:30-p. 19:8; p. 20:1-p. 21:31; Figs. 1-7; Attachments A (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132), B-G

'181 Application: p. 1:2-p. 4:19; p. 5:20-p. 7:15; p. 7:24-p. 12:18; p. 14:9-p. 22:20; p. 23:1-p. 24:16; Figs. 1-4; Attachments A (XML Interface Specfications For USG/BCS Commc'ns), B (XML/AAA Interface API Specification), C (XML Parser/ Response Builder), D (XML As a Protocol for External Access to AAA Services), E (USG User Guide v. 2) (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'182 Application: p. 1:5-p. 3:20; p. 4:14-p. 5:27; p. 6:13-p. 17:2; p. 18:2-p. 20:13; Figs. 1-9; Attachments A (PMS/Credit Card/RADIUS Design Specification), B (Bandwidth Management Overview), C (USG User Guide v. 2) (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'189 Application: p. 1:5-p. 3:23; p. 4:29-p. 6:9; p. 6:19-p. 12:15; p. 13:1-p. 15:9; p. 16:1-p. 17:21; Figs. 1, 2; Attachments A (PMS/Credit Card/RADIUS Design Specification), B (USG User Guide v. 2) (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'174 Application: p. 1:7-10; p. 1:26-p. 3:19; p. 3:26-p. 4:24; p. 4:32-p. 14:15; Figs. 1-6

'497 Application: pp. 1-6; Figs. 1, 2; Attachments A (pp. 2, 9-15), B-F, H (p. 1:10-p. 10:9; p. 11:9-p. 29:24, Figs. 1-15)

'060 Application: p. 2:2-4; p. 2:27-p. 3:23; p. 4:28-p. 5:13; p. 5:24-p. 6:26; p. 7:7-p. 8:15; p. 9:2-6; p. 9:16-p. 10:8; p. 10:24-p. 11:5; p. 11:18-p. 12:2; p. 13:1-13; p. 14:16-p. 15:3; p. 15:28-p. 16:25; p. 18:3-18; p. 19:3-p. 20:20; p. 21:1-p. 27-16; Figs. 1-2

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

NMDX0010442-NMDX0010458;   NMDX0010748-NMDX0010751;   NMDX0010752-NMDX0010758;   NMDX0010764-NMDX0010785

[6] **Evidence Supporting Defendants' Proposed Construction for "a management system connected to said network gateway device"**

'399 patent: Fig. 2; 5:49-67; 6:49-65; 5:21-23; 6:1-11; 9:58-64

[7] **Evidence Supporting Nomadix's Proposed Construction for "usage of the computer network"**

The Court's prior construction

'399 Patent: Claim 1; Abstract; Figs. 1-3; Col. 1:30-Col. 4:9; Col. 4:22-42; Col. 5:10-34; Col. 5:49-Col. 6:18; Col. 6:33-Col. 8:19; Col. 8:37-Col. 10:9

'973 Application: p. 1:14-16; p. 2:11-p. 3:28; p. 4:5-p. 5:13; p. 5:24-28; p. 6:5-28; p. 7:7-p. 13:34; p. 15:1-p. 17:27; Figs. 1, 2; Attachments A, B (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'093 Application: p. 1:3-5; p. 2:8-p. 3:8; p. 4:1-p. 5:32; p. 9:10-p. 13:4; p. 17:1-p. 18:31; Figs. 1-6; Attachment A (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'139 Application: p. 1:3-4; p. 2:7-p. 3:11; p. 4:15-p. 7:30; p. 8:6-p. 11:4; p. 11:19-p. 12:13; p. 14:6-p. 19:8; p. 20:1-p. 21:31; Figs. 1-7; Attachments A (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132), B-G

'181 Application: p. 1:2-p. 4:19; p. 5:20-p. 6:11; p. 7:1-15; p. 7:24-p. 12:18; p. 13:29-p. 22:20; p. 23:1-p. 24:16; Figs. 1-4; Attachments A-D, E (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'182 Application: p. 1:5-p. 3:20; p. 4:14-p. 5:27; p. 6:13-p. 17:2; p. 18:2-p. 20:13; Figs. 1-9; Attachments A, B, C (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'189 Application: p. 1:5-p. 3:23; p. 4:29-p. 6:9; p. 6:19-p. 12:15; p. 13:1-p. 15:9; p. 16:1-p. 17:21; Figs. 1, 2; Attachments A, B (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'497 Application: pp. 1-6; Figs. 1, 2; Attachments A (pp. 2, 9-15), B-F, H (p. 1:10-p. 10:9; p. 11:9-p. 29:24, Figs. 1-15)

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

'060 Application: p. 2:2-4; p. 2:27-p. 3:23; p. 4:28-p. 5:13; p. 5:24-p. 6:26; p. 7:7-p. 8:15; p. 9:2-6; p. 9:16-p. 10:8; p. 10:24-p. 11:5; p. 11:18-p. 12:2; p. 13:1-13; p. 14:16-p. 15:3; p. 15:28-p. 16:25; p. 18:3-18; p. 19:3-p. 20:20; p. 21:1-p. 27:16; Figs. 1-2

NMDX0010442-NMDX0010458;   NMDX0010748-NMDX0010751;   NMDX0010752-NMDX0010758;   NMDX0010764-NMDX0010785

[8] **Evidence Supporting Defendants' Proposed Construction for "usage of the computer network"**

'399 patent: 6:36-41; 3:14-18; 2:27-30; '399 File History Response to Jun. 4, 2003 Office Action at 8

[9] **Evidence Supporting Nomadix's Proposed Construction for "predetermined protocol"**

'399 Patent: Claim 1; Abstract; Figs. 1-3; Col. 1:30-Col. 4:9; Col. 4:22-42; Col. 5:10-34; Col. 5:49-Col. 6:18; Col. 6:33-Col. 8:19; Col. 8:37-Col. 10:9

'973 Application: p. 1:14-16; p. 2:11-p. 3:28; p. 4:5-p. 5:13; p. 5:24-28; p. 6:5-28; p. 7:7-p. 13:34; p. 15:1-p. 17:27; Figs. 1, 2; Attachments A, B (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'093 Application: p. 1:3-5; p. 2:8-p. 3:8; p. 4:1-p. 5:32; p. 9:10-p. 13:4; p. 17:1-p. 18:31; Figs. 1-6; Attachment A (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'139 Application: p. 1:3-4; p. 2:7-p. 3:11; p. 4:15-p. 7:30; p. 8:6-p. 11:4; p. 11:19-p. 12:13; p. 14:6-p. 19:8; p. 20:1-p. 21:31; Figs. 1-7; Attachments A (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132), B-G

'181 Application: p. 1:2-p. 4:19; p. 5:20-p. 6:11; p. 7:1-15; p. 7:24-p. 12:18; p. 13:29-p. 22:20; p. 23:1-p. 24:16; Figs. 1-4; Attachments A-D, E (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'182 Application: p. 1:5-p. 3:20; p. 4:14-p. 5:27; p. 6:13-p. 17:2; p. 18:2-p. 20:13; Figs. 1-9; Attachments A, B, C (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'189 Application: p. 1:5-p. 3:23; p. 4:29-p. 6:9; p. 6:19-p. 12:15; p. 13:1-p. 15:9; p. 16:1-p. 17:21; Figs. 1, 2; Attachments A, B (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

'497 Application: pp. 1-6; Figs. 1, 2; Attachments A (pp. 2, 9-15), B-F, H (p. 1:10-p. 10:9; p. 11:9-p. 29:24, Figs. 1-15)

'060 Application: p. 2:2-4; p. 2:27-p. 3:23; p. 4:28-p. 5:13; p. 5:24-p. 6:26; p. 7:7-p. 8:15; p. 9:2-6; p. 9:16-p. 10:8; p. 10:24-p. 11:5; p. 11:18-p. 12:2; p. 13:1-13; p. 14:16-p. 15:3; p. 15:28-p. 16:25; p. 18:3-18; p. 19:3-p. 20:20; p. 21:1-p. 27-16; Figs. 1-2

NMDX0010442-NMDX0010458;   NMDX0010748-NMDX0010751;   NMDX0010752-NMDX0010758;   NMDX0010764-NMDX0010785

[10] **Evidence Supporting Defendants' Proposed Construction for "predetermined protocol"**

'399 File History Response to Jun. 4, 2003 Office Action at 10-11; '399 File History, Reasons for Allowance at 2

[11] **Evidence Supporting Nomadix's Proposed Construction for "call accounting record format"**

The Court's prior construction

'399 Patent: Claim 1; Abstract; Figs. 1-3; Col. 1:30-Col. 4:9; Col. 4:22-42; Col. 5:10-34; Col. 5:49-Col. 6:18; Col. 6:33-Col. 8:19; Col. 8:37-Col. 10:9

'973 Application: p. 1:14-16; p. 2:11-p. 3:5; p. 3:21-28; p. 4:5-p. 5:13; p. 5:24-28; p. 6:5-28; p. 7:7-p. 9:26; p. 10:6-p. 13:34; p. 15:1-p. 17:27; Figs. 1, 2; Attachments A, B (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'093 Application: p. 1:3-5; p. 2:8-p. 3:32; p. 4:1-p. 5:32; p. 9:10-p. 13:4; p. 17:1-p. 18:31; Figs. 1-6; Attachment A (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'139 Application: p. 1:3-4; p. 2:7-p. 3:11; p. 4:15-p. 7:30; p. 8:6-p. 11:4; p. 11:19-p. 12:13; p. 14:6-p. 19:8; p. 20:1-p. 21:31; Figs. 1-7; Attachments A (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132), B-G

'181 Application: p. 1:2-p. 4:19; p. 5:20-p. 6:11; p. 7:1-15; p. 7:24-p. 12:18; p. 13:29-p. 22:20; p. 23:1-p. 24:16; Figs. 1-4; Attachments A-D, E (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'182 Application: p. 1:5-p. 3:20; p. 4:14-p. 5:27; p. 6:13-p. 17:2; p. 18:2-p. 20:13; Figs. 1-9; Attachments A, B, C (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

'189 Application: p. 13:23-p. 14:21; p. 16:1-p. 17:21; Figs. 1, 2; Attachments A, B (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'497 Application: pp. 1-6; Figs. 1, 2; Attachments A (pp. 2, 9-15), B-F, H (p. 1:10-p. 10:9; p. 11:9-p. 29:24, Figs. 1-15)

'060 Application: p. 2:2-4; p. 2:27-p. 3:23; p. 4:28-p. 5:13; p. 5:24-p. 6:26; p. 7:7-p. 8:15; p. 9:2-6; p. 9:16-p. 10:8; p. 10:24-p. 11:5; p. 11:18-p. 12:2; p. 13:1-13; p. 14:16-p. 15:3; p. 15:28-p. 16:25; p. 18:3-18; p. 19:3-p. 20:20; p. 21:1-p. 27-16; Figs. 1-2

NMDX0010442-NMDX0010458;   NMDX0010748-NMDX0010751;   NMDX0010752-NMDX0010758;   NMDX0010764-NMDX0010785

[12] **Evidence Supporting Defendants' Proposed Construction for "call accounting record format"**

'399 patent: 7:56-63; 8:57-65; '399 File History, Response to Jun. 4, 2003 Office Action, at 10; *Nomadix Inc. v. Second Rule LLC*, Case No. CV 07-01946 DDP, Amended Claim Construction Order, Docket No. 137 (October 15, 2008) at 21

[13] **Evidence Supporting Nomadix's Proposed Construction for "a management system"**

'399 Patent: Claim 1; Abstract; Figs. 1-3; Col. 1:30-Col. 4:9; Col. 4:22-Col. 5:34; Col. 5:42-Col. 7:41; Col. 7:51-55; Col. 7:64-Col. 8:25; Col. 8:37-Col. 10:9

'973 Application: p. 1:14-p. 2:21; p. 3:6-p. 5:13; p. 5:24-28; p. 6:5-25; p. 7:7-p. 11:29; p. 11:30-p. 13:34; p. 15:1-p. 17:27; Figs. 1, 2; Attachments A (PMS/Credit Card/RADIUS Design Specification), B (USG User Guide v. 2) (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'093 Application: p. 1:3-p. 3:8; p. 4:2-p. 9:9; p. 12:10-p. 13:4; p. 17:1-p. 18:31; Figs. 1-6; Attachment A (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'139 Application: p. 1:3-p. 3:11; p. 4:15-p. 7:30; p. 8:6-p. 11:18; p. 14:30-p. 19:8; p. 20:1-p. 21:31; Figs. 1-7; Attachments A (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132), B-G

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

'181 Application: p. 1:2-p. 4:19; p. 5:20-p. 7:15; p. 7:24-p. 12:18; p. 14:9-p. 22:20; p. 23:1-p. 24:16; Figs. 1-4; Attachments A (XML Interface Specfications For USG/BCS Commc'ns), B (XML/AAA Interface API Specification), C (XML Parser/ Response Builder), D (XML As a Protocol for External Access to AAA Services), E (USG User Guide v. 2) (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'182 Application: p. 1:5-p. 3:20; p. 4:14-p. 5:27; p. 6:13-p. 17:2; p. 18:2-p. 20:13; Figs. 1-9; Attachments A (PMS/Credit Card/RADIUS Design Specification), B (Bandwidth Management Overview), C (USG User Guide v. 2) (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'189 Application: p. 1:5-p. 3:23; p. 4:29-p. 6:9; p. 6:19-p. 12:15; p. 13:1-p. 15:9; p. 16:1-p. 17:21; Figs. 1, 2; Attachments A (PMS/Credit Card/RADIUS Design Specification), B (USG User Guide v. 2) (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'174 Application: p. 1:7-10; p. 1:26-p. 3:19; p. 3:26-p. 4:24; p. 4:32-p. 14:15; Figs. 1-6

'497 Application: pp. 1-6; Figs. 1, 2; Attachments A (pp. 2, 9-15), B-F, H (p. 1:10-p. 10:9; p. 11:9-p. 29:24, Figs. 1-15)

'060 Application: p. 2:2-4; p. 2:27-p. 3:23; p. 4:28-p. 5:13; p. 5:24-p. 6:26; p. 7:7-p. 8:15; p. 9:2-6; p. 9:16-p. 10:8; p. 10:24-p. 11:5; p. 11:18-p. 12:2; p. 13:1-13; p. 14:16-p. 15:3; p. 15:28-p. 16:25; p. 18:3-18; p. 19:3-p. 20:20; p. 21:1-p. 27-16; Figs. 1-2

NMDX0010442-NMDX0010458;   NMDX0010748-NMDX0010751;   NMDX0010752-NMDX0010758;   NMDX0010764-NMDX0010785

[14] **Evidence Supporting Defendants' Proposed Construction for "a management system"**

'399 patent: Fig. 2; 5:49-67; 6:49-65; 5:21-23; 6:1-11; 9:58-64

[15] **Evidence Supporting Nomadix's Proposed Construction for "absent additional agents implemented by a user's computer"**

The Court's prior construction

'399 Patent: Claim 1; Abstract; Figs. 1-3; Col. 1:30-Col. 2:32; Col. 2:45-Col. 3:17; Col. 3:27-31, 60-62; Col. 3:65-Col. 5:34; Col. 6:10-48; Col. 7:43-47, 58-64; Col. 9:5-34

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

'973 Application: p. 1:14-16; p. 2:8-p. 3:28; p. 4:5-p. 5:13; p. 5:24-28; p. 6:5-28; p. 7:7-p. 12:20; p. 13:3-34; p. 15:1-p. 17:27; Figs. 1, 2; Attachments A, B

'093 Application: p. 1:3-p. 3:8; p. 3:17-p. 9:17; p. 9:25-p. 12:25; p. 13:25-p. 16:12; p. 17:1-p. 18:31; Figs. 1-8; Attachment A

'139 Application: p. 1:3-4; p. 2:7-p. 3:11; p. 4:15-p. 7:30; p. 8:6-p. 11:4; p. 11:19-p. 12:13; p. 14:6-p. 19:8; p. 20:1-p. 21:31; Figs. 1-7; Attachments A-G

'181 Application: p. 1:2-p. 4:19; p. 5:20-p. 6:11; p. 7:1-15; p. 7:24-p. 12:18; p. 14:9-p. 22:20; p. 23:1-p. 24:16; Figs. 1-4; Attachments A-E

'182 Application: p. 1:5-p. 3:20; p. 4:14-p. 5:27; p. 6:13-p. 17:2; p. 18:2-p. 20:13; Figs. 1-9; Attachments A-C

'189 Application: p. 1:5-p. 3:23; p. 4:29-p. 6:9; p. 6:19-p. 12:15; p. 13:1-p. 15:9; p. 16:1-p. 17:21; Figs. 1, 2; Attachments A, B

'174 Application: p. 1:7-10; p. 1:26-p. 3:19; p. 3:26-p. 14:15; Figs. 1-6

'497 Application: pp. 1-6; Figs. 1, 2; Attachments A (pp. 2, 9-15), B-F, H (p. 1:10-p. 10:9; p. 11:9-p. 29:24, Figs. 1-15)

'060 Application: p. 2:2-4; p. 2:27-p. 3:23; p. 4:28-p. 5:13; p. 5:24-p. 6:26; p. 7:7-p. 8:15; p. 9:2-6; p. 9:16-p. 10:8; p. 10:24-p. 11:5; p. 11:18-p. 12:2; p. 13:1-13; p. 14:16-p. 15:3; p. 15:28-p. 16:25; p. 18:3-18; p. 19:3-p. 20:20; p. 21:1-p. 27:16; Figs. 1-2

NMDX0010442-NMDX0010458;   NMDX0010748-NMDX0010751;   NMDX0010752-NMDX0010758;   NMDX0010764-NMDX0010785

[16] **Evidence Supporting Defendants' Proposed Construction for "absent additional agents implemented by a user's computer"**

'399 File History, Amendment in Response to June 4, 2003 Office Action, at 8-9; '892 patent at 6:5-9; *Nomadix Inc. v. Second Rule LLC*, Case No. CV 07-01946 DDP, Amended Claim Construction Order, Docket No. 137 (October 15, 2008) at 11.

[17] **Evidence Supporting Nomadix's Proposed Construction for "collecting data corresponding to the user's access to said computer network"**

The Court's prior construction

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

'399 Patent: Claim 6; Abstract; Figs. 1-3; Col. 1:30-Col. 2:32; Col. 2:45-Col. 3:17; Col. 3:23-37; Col. 3:65-Col. 4:9; Col. 6:36-48; Col. 7:56-65; Col. 9:5-24

'973 Application: p. 1:14-16; p. 2:11-p. 3:28; p. 4:5-p. 5:13; p. 5:24-28; p. 6:5-28; p. 7:7-p. 9:11; p. 10:6-p. 12:20; p. 13:3-34; p. 15:1-p. 17:27; Figs. 1, 2; Attachments A, B (pp. 10-14, 43, 70-76, 95-106, 110, 113-115)

'093 Application: p. 1:3-5; p. 3:9-p. 4:14; p. 5:1-32; p. 9:10-p. 14:14; p. 14:19-p. 16:12; p. 17:1-p. 18:31; Figs. 1-6; Attachment A (pp. 10-14, 43, 70-76, 95-106, 110, 113-115)

'139 Application: p. 1:3-4; p. 2:7-p. 3:11; p. 4:15-p. 7:30; p. 8:6-p. 11:4; p. 11:19-p. 12:13; p. 14:6-p. 19:8; p. 20:1-p. 21:31; Figs. 1-7; Attachments A (pp. 10-14, 43, 70-76, 95-106, 110, 113-115), B-G

'181 Application: p. 1:2-p. 4:19; p. 5:20-p. 6:11; p. 7:1-15; p. 7:24-p. 12:18; p. 14:9-p. 22:20; p. 23:1-p. 24:16; Figs. 1-4; Attachments A-D, E (pp. 10-14, 43, 70-76, 95-106, 110, 113-115)

'182 Application: p. 1:5-p. 3:20; p. 4:14-p. 5:27; p. 6:13-p. 17:2; p. 18:2-p. 20:13; Figs. 1-9; Attachments A-C (pp. 10-14, 43, 70-76, 95-106, 110, 113-115)

'189 Application: p. 1:5-p. 3:23; p. 4:29-p. 6:9; p. 6:19-p. 12:15; p. 13:1-p. 15:9; p. 16:1-p. 17:21; Figs. 1, 2; Attachments A, B (pp. 10-14, 43, 70-76, 95-106, 110, 113-115)

'497 Application: pp. 1-6; Figs. 1, 2; Attachments A (pp. 2, 9-15), B-F, H (p. 1:10-p. 10:9; p. 11:9-p. 29:24, Figs. 1-15)

'060 Application: p. 2:2-4; p. 2:27-p. 3:23; p. 4:28-p. 5:13; p. 5:24-p. 6:26; p. 7:7-p. 8:15; p. 9:2-6; p. 9:16-p. 10:8; p. 10:24-p. 11:5; p. 11:18-p. 12:2; p. 13:1-13; p. 14:16-p. 15:3; p. 15:28-p. 16:25; p. 18:3-18; p. 19:3-p. 20:20; p. 21:1-p. 27-16; Figs. 1-2

NMDX0010442-NMDX0010458;   NMDX0010748-NMDX0010751;   NMDX0010752-NMDX0010758;   NMDX0010764-NMDX0010785

[18] **Evidence Supporting Defendants' Proposed Construction for "collecting data corresponding to the user's access to said computer network"**

'399 File History Response to Aug. 27, 2002 Office Action at 6

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

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[19] **Evidence Supporting Nomadix's Proposed Construction for "physical location"**

'399 Patent: Claim 13; Abstract; Figs. 1-3; Col. 1:30-Col. 2:32; Col. 2:45-Col. 3:17; Col. 3:27-31, 60-62; Col. 3:65-Col. 5:34; Col. 6:10-48; Col. 7:43-47, 58-64; Col. 9:5-34

'973 Application: p. 1:14-16; p. 2:8-p. 3:28; p. 4:5-p. 5:13; p. 5:24-28; p. 6:5-28; p. 7:7-p. 12:20; p. 13:3-34; p. 15:1-p. 17:27; Figs. 1, 2; Attachments A, B

'093 Application: p. 1:3-p. 9:17; p. 9:18-p. 14:14; p. 14:19-p. 16:12; p. 17:1-p. 18:31; Figs. 1-8; Attachment A

'139 Application: p. 1:3-4; p. 2:7-p. 3:11; p. 4:15-p. 7:30; p. 8:6-p. 11:4; p. 11:19-p. 12:13; p. 14:6-p. 19:8; p. 20:1-p. 21:31; Figs. 1-7; Attachments A-G

'181 Application: p. 1:2-p. 4:19; p. 5:20-p. 6:11; p. 7:1-15; p. 7:24-p. 12:18; p. 14:9-p. 22:20; p. 23:1-p. 24:16; Figs. 1-4; Attachments A-E

'182 Application: p. 1:5-p. 3:20; p. 4:14-p. 5:27; p. 6:13-p. 17:2; p. 18:2-p. 20:13; Figs. 1-9; Attachments A-C

'189 Application: p. 1:5-p. 3:23; p. 4:29-p. 6:9; p. 6:19-p. 12:15; p. 13:1-p. 15:9; p. 16:1-p. 17:21; Figs. 1, 2; Attachments A, B

'174 Application: p. 1:7-10; p. 1:26-p. 3:19; p. 3:26-p. 14:15; Figs. 1-6

'497 Application: pp. 1-6; Figs. 1, 2; Attachments A (pp. 2, 9-15), B-F, H (p. 1:10-p. 10:9; p. 11:9-p. 29:24, Figs. 1-15)

'060 Application: p. 2:2-4; p. 2:27-p. 3:23; p. 4:28-p. 5:13; p. 5:24-p. 6:26; p. 7:7-p. 8:15; p. 9:2-6; p. 9:16-p. 10:8; p. 10:24-p. 11:5; p. 11:18-p. 12:2; p. 13:1-13; p. 14:16-p. 15:3; p. 15:28-p. 16:25; p. 18:3-18; p. 19:3-p. 20:20; p. 21:1-p. 27:16; Figs. 1-2

NMDX0010442-NMDX0010458;   NMDX0010748-NMDX0010751;   NMDX0010752-NMDX0010758;   NMDX0010764-NMDX0010785

[20] **Evidence Supporting Defendants' Proposed Construction for "physical location"**

'399 patent: 5:37-42; 3:14-18; 6:36-41; 9:64-67'399 File History Response to Aug. 27, 2002 Office Action at 8; *id*. at 10

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

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[21] **Evidence Supporting Nomadix's Proposed Construction for "the user's network usage"**

The Court's prior construction

'399 Patent: Claim 13; Abstract; Figs. 1-3; Col. 1:30-Col. 4:9; Col. 4:22-42; Col. 5:10-34; Col. 5:49-Col. 6:18; Col. 6:33-Col. 8:19; Col. 8:37-Col. 10:9

'973 Application: p. 1:14-16; p. 2:11-p. 3:5; p. 3:21-28; p. 4:5-p. 5:13; p. 5:24-28; p. 6:5-28; p. 7:7-p. 9:26; p. 10:6-p. 13:34; p. 15:1-p. 17:27; Figs. 1, 2; Attachments A, B (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'093 Application: p. 1:3-5; p. 2:8-p. 3:32; p. 4:1-p. 5:32; p. 9:10-p. 13:4; p. 17:1-p. 18:31; Figs. 1-6; Attachment A (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'139 Application: p. 1:3-4; p. 2:7-p. 3:11; p. 4:15-p. 7:30; p. 8:6-p. 11:4; p. 11:19-p. 12:13; p. 14:6-p. 19:8; p. 20:1-p. 21:31; Figs. 1-7; Attachments A (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132), B-G

'181 Application: p. 1:2-p. 4:19; p. 5:20-p. 6:11; p. 7:1-15; p. 7:24-p. 12:18; p. 13:29-p. 22:20; p. 23:1-p. 24:16; Figs. 1-4; Attachments A-D, E (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'182 Application: p. 1:5-p. 3:20; p. 4:14-p. 5:27; p. 6:13-p. 17:2; p. 18:2-p. 20:13; Figs. 1-9; Attachments A, B, C (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'189 Application: p. 13:23-p. 14:21; p. 16:1-p. 17:21; Figs. 1, 2; Attachments A, B (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'497 Application: pp. 1-6; Figs. 1, 2; Attachments A (pp. 2, 9-15), B-F, H (p. 1:10-p. 10:9; p. 11:9-p. 29:24, Figs. 1-15)

'060 Application: p. 2:2-4; p. 2:27-p. 3:23; p. 4:28-p. 5:13; p. 5:24-p. 6:26; p. 7:7-p. 8:15; p. 9:2-6; p. 9:16-p. 10:8; p. 10:24-p. 11:5; p. 11:18-p. 12:2; p. 13:1-13; p. 14:16-p. 15:3; p. 15:28-p. 16:25; p. 18:3-18; p. 19:3-p. 20:20; p. 21:1-p. 27:16; Figs. 1-2

NMDX0010442-NMDX0010458;   NMDX0010748-NMDX0010751;   NMDX0010752-NMDX0010758;   NMDX0010764-NMDX0010785

[22] **Evidence Supporting Defendants' Proposed Construction for "the user's network usage"**

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

'399 patent: 6:36-41; 3:14-18; 2:27-30; '399 File History Response to Jun. 4, 2003 Office Action at 8

[23] **Evidence Supporting Nomadix's Proposed Construction for "a call accounting record"**

The Court's prior construction

'399 Patent: Claim 1; Abstract; Figs. 1-3; Col. 1:30-Col. 4:9; Col. 4:22-42; Col. 5:10-34; Col. 5:49-Col. 6:18; Col. 6:33-Col. 8:19; Col. 8:37-Col. 10:9

'973 Application: p. 1:14-16; p. 2:11-p. 3:5; p. 3:21-28; p. 4:5-p. 5:13; p. 5:24-28; p. 6:5-28; p. 7:7-p. 9:26; p. 10:6-p. 13:34; p. 15:1-p. 17:27; Figs. 1, 2; Attachments A, B (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'093 Application: p. 1:3-5; p. 2:8-p. 3:32; p. 4:1-p. 5:32; p. 9:10-p. 13:4; p. 17:1-p. 18:31; Figs. 1-6; Attachment A (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'139 Application: p. 1:3-4; p. 2:7-p. 3:11; p. 4:15-p. 7:30; p. 8:6-p. 11:4; p. 11:19-p. 12:13; p. 14:6-p. 19:8; p. 20:1-p. 21:31; Figs. 1-7; Attachments A (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132), B-G

'181 Application: p. 1:2-p. 4:19; p. 5:20-p. 6:11; p. 7:1-15; p. 7:24-p. 12:18; p. 13:29-p. 22:20; p. 23:1-p. 24:16; Figs. 1-4; Attachments A-D, E (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'182 Application: p. 1:5-p. 3:20; p. 4:14-p. 5:27; p. 6:13-p. 17:2; p. 18:2-p. 20:13; Figs. 1-9; Attachments A, B, C (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'189 Application: p. 13:23-p. 14:21; p. 16:1-p. 17:21; Figs. 1, 2; Attachments A, B (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'497 Application: pp. 1-6; Figs. 1, 2; Attachments A (pp. 2, 9-15), B-F, H (p. 1:10-p. 10:9; p. 11:9-p. 29:24, Figs. 1-15)

'060 Application: p. 2:2-4; p. 2:27-p. 3:23; p. 4:28-p. 5:13; p. 5:24-p. 6:26; p. 7:7-p. 8:15; p. 9:2-6; p. 9:16-p. 10:8; p. 10:24-p. 11:5; p. 11:18-p. 12:2; p. 13:1-13; p. 14:16-p. 15:3; p. 15:28-p. 16:25; p. 18:3-18; p. 19:3-p. 20:20; p. 21:1-p. 27:16; Figs. 1-2

NMDX0010442-NMDX0010458;   NMDX0010748-NMDX0010751;   NMDX0010752-NMDX0010758;   NMDX0010764-NMDX0010785

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

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[24] **Evidence Supporting Defendants' Proposed Construction for "a call accounting record"**

'399 patent: 7:56-63; 8:57-65; '399 File History, Response to Jun. 4, 2003 Office Action, at 10; *Nomadix Inc. v. Second Rule LLC*, Case No. CV 07-01946 DDP, Amended Claim Construction Order, Docket No. 137 (October 15, 2008) at 21

[25] **Evidence Supporting Nomadix's Proposed Construction for "collecting data corresponding to the user's access to said computer network, including a physical location of the user and the user's network usage, in said network gateway device"**

'399 Patent: Claim 18; Abstract; Figs. 1-3; Col. 1:30-Col. 2:32; Col. 2:45-Col. 3:17; Col. 3:23-37, 60-62; Col. 3:65-Col. 4:9; Col. 6:10-48; Col. 7:43-47, 56-65; Col. 9:5-34

'973 Application: p. 1:14-16; p. 2:11-p. 3:28; p. 4:5-p. 5:13; p. 5:24-28; p. 6:5-28; p. 7:7-p. 9:11; p. 10:6-p. 12:20; p. 13:3-34; p. 15:1-p. 17:27; Figs. 1, 2; Attachments A, B (pp. 10-14, 43, 70-76, 95-106, 110, 113-115)

'093 Application: p. 1:3-p. 9:17; p. 9:18-p. 14:14; p. 14:19-p. 16:12; p. 17:1-p. 18:31; Figs. 1-8; Attachment A

'139 Application: p. 1:3-4; p. 2:7-p. 3:11; p. 4:15-p. 7:30; p. 8:6-p. 11:4; p. 11:19-p. 12:13; p. 14:6-p. 19:8; p. 20:1-p. 21:31; Figs. 1-7; Attachments A (pp. 10-14, 43, 70-76, 95-106, 110, 113-115), B-G

'181 Application: p. 1:2-p. 4:19; p. 5:20-p. 6:11; p. 7:1-15; p. 7:24-p. 12:18; p. 14:9-p. 22:20; p. 23:1-p. 24:16; Figs. 1-4; Attachments A-D, E (pp. 10-14, 43, 70-76, 95-106, 110, 113-115)

'182 Application: p. 1:5-p. 3:20; p. 4:14-p. 5:27; p. 6:13-p. 17:2; p. 18:2-p. 20:13; Figs. 1-9; Attachments A-C (pp. 10-14, 43, 70-76, 95-106, 110, 113-115)

'189 Application: p. 1:5-p. 3:23; p. 4:29-p. 6:9; p. 6:19-p. 12:15; p. 13:1-p. 15:9; p. 16:1-p. 17:21; Figs. 1, 2; Attachments A, B (pp. 10-14, 43, 70-76, 95-106, 110, 113-115)

'497 Application: pp. 1-6; Figs. 1, 2; Attachments A (pp. 2, 9-15), B-F, H (p. 1:10-p. 10:9; p. 11:9-p. 29:24, Figs. 1-15)

'060 Application: p. 2:2-4; p. 2:27-p. 3:23; p. 4:28-p. 5:13; p. 5:24-p. 6:26; p. 7:7-p. 8:15; p. 9:2-6; p. 9:16-p. 10:8; p. 10:24-p. 11:5; p. 11:18-p. 12:2; p. 13:1-13; p. 14:16-p. 15:3; p. 15:28-p. 16:25; p. 18:3-18; p. 19:3-p. 20:20; p. 21:1-p. 27-16; Figs. 1-2

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

NMDX0010442-NMDX0010458;   NMDX0010748-NMDX0010751;   NMDX0010752-NMDX0010758;   NMDX0010764-NMDX0010785

[26] **Evidence Supporting Defendants' Proposed Construction for "collecting data corresponding to the user's access to said computer network, including a physical location of the user and the user's network usage, in said network gateway device"**

'399 File History Response to Aug. 27, 2002 Office Action at 6

[27] **Evidence Supporting Nomadix's Proposed Construction for "predetermined data formats"**

'399 Patent: Claim 18; Abstract; Figs. 1-3; Col. 1:30-Col. 2:32; Col. 2:45-Col. 3:17; Col. 3:23-56; Col. 3:65-Col. 4:9; Col. 6:36-Col. 8:36; Col. 8:37-Col. 9:57

'973 Application: p. 1:14-16; p. 2:11-p. 3:5; p. 3:21-28; p. 4:5-p. 5:13; p. 5:24-28; p. 6:5-28; p. 7:7-p. 9:26; p. 10:6-p. 13:34; p. 15:1-p. 17:27; Figs. 1, 2; Attachments A, B (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'093 Application: p. 1:3-5; p. 2:8-p. 3:32; p. 4:1-p. 5:32; p. 9:10-p. 13:4; p. 17:1-p. 18:31; Figs. 1-6; Attachment A (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'139 Application: Attachments A (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132), B-G

'181 Application: p. 12:29-p. 24:16; Attachments A-D, E (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'182 Application: Fig. 2; Attachments A, C (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'189 Application: p. 13:23-p. 14:21; p. 16:1-p. 17:21; Figs. 1, 2; Attachments A, B (pp. 9, 11-14, 45, 55-57, 95-106, 108, 113-115, 132)

'497 Application: pp. 1-6; Figs. 1, 2; Attachments A (pp. 2, 9-15), B-F, H (p. 1:10-p. 10:9; p. 11:9-p. 29:24, Figs. 1-15)

'060 Application: p. 2:2-4; p. 2:27-p. 3:23; p. 4:28-p. 5:13; p. 5:24-p. 6:26; p. 7:7-p. 8:15; p. 9:2-6; p. 9:16-p. 10:8; p. 10:24-p. 11:5; p. 11:18-p. 12:2; p. 13:1-13; p. 14:16-p. 15:3; p. 15:28-p. 16:25; p. 18:3-18; p. 19:3-p. 20:20; p. 21:1-p. 27:16; Figs. 1-2

EXHIBIT 6 – U.S. PATENT NO. 6,868,399

NMDX0010442-NMDX0010458;   NMDX0010748-NMDX0010751;   NMDX0010752-NMDX0010758;   NMDX0010764-NMDX0010785

[28] **Evidence Supporting Defendants' Proposed Construction for "predetermined data formats"**

'399 File History Response to Jun. 4, 2003 Office Action at 10-11; '399 File History, Reasons for Allowance at 2.

EXHIBIT 7 – U.S. PATENT NO. 6,789,110

AGREED-UPON CONSTRUCTIONS

Claim	Term	Agreed-Upon Construction
26, 29	the host	the host computer

DISPUTED CONSTRUCTIONS

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
1. A method for communicating to a host computer information during an existing networking session, the method comprising:			
establishing, via a gateway interface, a network session between a host computer and a computer network;			
creating, during the established network session, information and control console packets;			

EXHIBIT 7 – U.S. PATENT NO. 6,789,110

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
sending the information and control console packets to the host computer **repeatedly** throughout the network session; and	repeatedly	No construction is necessary.[1]	continuously or incessantly[2]
generating, during the established network session, one or more information and control console on a monitor of the host computer			
wherein the method provides a user an ability to re-configure the network session during the established network session by input to the information and control console.			
26. A method for dynamically changing user level of service during an ongoing network session, the method comprising:			
establishing, via a gateway interface, a network session between a host computer and a computer network;			

EXHIBIT 7 – U.S. PATENT NO. 6,789,110

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
creating, during the established network session, network monitoring information and control console packets that include information relating to the user level of service;			
sending the network monitoring information and control console packets to the host **periodically** throughout the network session; and	periodically	No construction is necessary.[3]	at recurring regular intervals[4]
generating, during the established network session, one or more network monitoring information and control consoles on a monitor of the host computer that provide a user an ability to change network session level of service during the established network session.			

EXHIBIT 7 – U.S. PATENT NO. 6,789,110

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
29. A program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform steps for communication to a network user information during an ongoing networking session, the program of instructions comprising the steps of:			
establishing, via a gateway interface, a network session between a host computer and a computer network;			
creating, during the established network session, information and control console packets;			
sending the information and control console packets to the host **periodically** throughout the network session; and	periodically See Claim 26, above		
generating, during the established network session, one or more information and control consoles on a monitor of the host,			

EXHIBIT 7 – U.S. PATENT NO. 6,789,110

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
wherein the instructions provide a user an ability to re-configure the network session during the established network session by input to the information and control console.			

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[1] Evidence Supporting Nomadix's Proposed Construction for "repeatedly"

'110 Patent: Claims 1, 21, 26, 29, 33. Abstract, Fig. 8, Col. 2:58-Col. 4:67, Col. 5:1-41, Col. 7:50-Col. 8:13, Col. 9:1-25, Col. 10:4-54, Col.13:57-Col. 14:14,

'139 Application: Claim 1, Fig. 7, p.2:7-p.4:35, p.5:1-7:7, p.7:5-12, p.8:6-p.11:4, p.11:31-p.12:13, p.12:30-p.13:28, p.14:6-14, p.17:31-18:13, p.21:5-31.

'174 Application: p.1:25-p.3:19, p.3:6-p.4:24, p.5:5-p.6:31, p.9:8-17, p.10:3-p.11:31, p.12:15-11:27, p.14:1-15.

'602 Application: p.1:10-24, p.2:1-p.3:6, p.4:14-p.5:5, p.5:27-p.7:20, p.8:8-p.11:9, p.12:26-p.13:11, p.14:22-p.15:22, p.16:19-p.19:5.

NMDX0009803 – 0009810; NMDX0009915 – 0009923

[2] Evidence Supporting Defendants' Proposed Construction for "repeatedly"

'110 patent: 3:38-42; 10: 4-67; "Repeatedly" was added to the claim and argued for claim 1 in the response to the Office Action dated April 23, 2003, '110 Pros. Hist. 10/31/2010 Amdt., pp. 2, 14 and 16. Definition of "repeatedly" *Random House College Dictionary*, 1982 p. 1118 (done, made or said again and again); Dictionary.com: World English Dictionary **repeated** (rɪ   piː   tɪ d) —*adj* done, made, or said again and again; continual or incessant **re'peatedly** —*adv* Collins English Dictionary - Complete & Unabridged 10th

EXHIBIT 7 – U.S. PATENT NO. 6,789,110

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[3] **Evidence Supporting Nomadix's Proposed Construction for "periodically"**

'110 Patent: Claims 1, 2, 7, 18, 20, 21, 23, 25, 26, 28, 29, 30, 31, 33, 35, Abstract, Fig. 8, Col. 1:33-64, Col. 2:58- Col. 4:67, Col. 5:1-18, Col. 6:25-Col. 7:2, Col. 8:13-Col. 9:10, Col. 9:1-25, Col. 9:49-Col. 10:32, Col. 13:35-57.

'139 Application: Claim 1, Fig. 7, p.2:7-p.4:35, p.5:1-7:7, p.7:5-12, p.8:6-p.11:4, p.11:31-p.12:13, p.12:30-p.13:28, p.14:6-14, p.17:31-18:13, p.21:5-31.

'174 Application: p.1:25-p.3:19, p.3:6-p.4:24, p.5:5-p.6:31, p.9:8-17, p.10:3-p.11:31, p.12:15-11:27, p.14:1-15.

'602 Application: p.1:10-24, p.2:1-p.3:6, p.4:14-p.5:5, p.5:27-p.7:20, p.8:8-p.11:9, p.12:26-p.13:11, p.14:22-p.15:22, p.16:19-p.19:5. p.19:6-p.20:2.

NMDX0009803 – 0009810; NMDX0009915 – 0009923

[4] **Evidence Supporting Defendants' Proposed Construction for "periodically"**

'110 patent: 3:38-42; 10: 4-67; "Periodically" was added by amendment into claims 26 and 29. Periodically was not argued in the response, rather "repeatedly" was argued for claims 1, 26 and 29 in the response to the Office Action dated April 23, 2003, '110 Pros. Hist. 10/31/2010 Amdt., pp. 7-8, 14 and 16; Definition of "periodically" *Webster's New World Dictionary,* 1994 p. 1004 (at regular intervals or from time to time; recurrently); Definition of "periodically" *Random House College Dictionary*, 1982 p. 1118 (Occurring or appearing at regular intervals; or occurring or appearing at irregular or intermittent intervals).

EXHIBIT 8 – U.S. PATENT NO. 7,689,716

AGREED-UPON CONSTRUCTIONS

Claim	Term	Agreed-Upon Construction
1, 47, 48, 52	network-location-specific information	information specific to the network location of the user host device, such as advertising fields, billing and service plans, and locale restaurant ads See also construction dispute regarding "network location of the user host device."

DISPUTED CONSTRUCTIONS

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
1. A network gateway having an IP address and a hardware address, configured to process packets communicated from a browser operating on a user host device, the user host device having configuration information specifying at least a MAC address of the user host device, the network gateway comprising:			

EXHIBIT 8 – U.S. PATENT NO. 7,689,716

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
a database configured to be populated with configuration information;			
a redirection-determination module in communication with the database, the redirection-determination module responsive to packets communicated from the browser to determine whether to redirect the browser to a web-server configured to present a login portal, wherein the redirection determination is based on the MAC address of the user host device and configuration information in the database;			

EXHIBIT 8 – U.S. PATENT NO. 7,689,716

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
a user-device-location-detection module that determines a **network location of the user host device**, the user-device-location-detection module configured to communicate information to the web-server about the network location, so that the web-server can provide network-location-specific information on the login portal; and	network location of the user host device	No construction is necessary. However, if the Court is inclined to construe the term, Nomadix proposes: a location at which the user host device is connected to the network[1]	communication port through which the user's computer accessed the network[2]

EXHIBIT 8 – U.S. PATENT NO. 7,689,716

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
a **network-packet-translation module** configured to modify at least one user network packet transmitted from the user host device to an **external network location**, the at least one user network packet being modified so that the source IP address corresponds to the network gateway, the network packet translation module further configured to modify at least one external network packet transmitted from the external network location to the network gateway, the external network packet being modified so that the destination IP address	network-packet-translation module	No construction is necessary. However, if the Court is inclined to construe the term, Nomadix proposes: module that translates network packets[3]	This term is indefinite pursuant to 35 U.S.C. § 112 (2) and cannot be construed, because "network packet translation module" merely recites functional language with no disclosure in the specification of the module to perform the recited function and, thus, subjecting the term to interpretation under 35 U.S.C. § 112(6). Should the Court elect to interpret this element as something other than a means-plus-function element, the Defendants propose the following construction[1]: module configured to receive and process, at all OSI layers, network packets that are targeted for another device at an external network location[4]

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[1] In addition to "network-packet-translation module," the remaining elements of '716 claim 1 are within the purview of interpretation under 35 U.S.C. §112(6) because they recite functional language without a corresponding structure identified in the specification. Hence, if the court determines that "network-packet-translation module" is subject to 35 U.S.C. § 112(6), the remaining "modules" in the claim 1 of the '716 patent should be construed analogously. Further, there are other terms that the Defendants consider to be indefinite that are not listed in these charts, but the "network-packet-translation module" is listed specifically because it is within the purview of 35 U.S.C. § 112(6).

EXHIBIT 8 – U.S. PATENT NO. 7,689,716

Claim	Term	Nomadix's Proposed Construction	Defendants' Proposed Construction
corresponds to the user host device.	external network location	No construction is necessary. However, if the Court is inclined to construe the term, Nomadix proposes: a network location external to the network location of the user host device[5]	location for a network to which the user device is not normally connected and which corresponds to a local internet or IP address that is not the home internet or IP address[6]
55. The network gateway of claim 1, wherein modifying at least one user network packet transmitted from the user host device to an **external network location** comprises generating an outgoing packet based on the network packet transmitted from the user host device, the outgoing packet including at least one or more attributes that are different than the network packet transmitted from the user host device.	external network location See Claim 1, above		

EXHIBIT 8 – U.S. PATENT NO. 7,689,716

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[1] **Evidence Supporting Nomadix's Proposed Construction for "network location of the user host device"**

U.S. Pat. 7,689,716

2:58-3:20, 3:52-6:67, 7:47-8:56, 9:9-9:16, 9:37-10:57, 12:44-12:63, 13:12-13:51, 14:1-15:31, 15:62-16:22, 16:37-17:2, 18:1-20:33, 21:44-49, 22:14-22:24, 23:22-23:58, 24:23-24:51, 27:44-28:41, 29:51-31:24, 32:3-35:53.

U.S. Pat. 7,194,554

2:56-3:44, 3:64-5:26, 6:52-8:47, 9:8-9:26, 10:9-11:19, 12:19-13:14, 14:5-19

U.S. Pat. 6,636,894

1:33-2:44, 3:27-3:39, 7:66-10:4, 10:20-10:39, 10:62-13:44

U.S. App. 60/111,497

Attachment H — 3:11-3:21; 4:6-4:13; 5:4-5:18; 11:9-11:17; 11:27-12:1; 13:2-13:29; 23:27-23:37; 28:3-28:11; 28:21-28:31;

U.S. App. 09/458,602

2:1-2:24, 3:25-5:26, 6:8-6:14, 7:10-7:14, 7:22-7:30, 9:30-12:20, 13:1-13:31, 14:1-14:21, 16:19-16:28, 18:11-18:27, 20:3-20:11

U.S. App. 60/161,182

6:13-7:2;

"PMS/Credit Card/Radius Design Spec." p. 6

"USG 1000 User Manual" pp. 10, 12-14, 59, 70, 72-76, 97, 101-102, 105-107, 110, 136,

Fig. 2

U.S. App. 60/160,890

EXHIBIT 8 – U.S. PATENT NO. 7,689,716

    5:27-6:16;

U.S. App. 60/161,139

    14:22-15:9;

U.S. App. 60/161,189

    3:9-3:23;

U.S. App. 60/160,973

    5:1-5:3; 9:12-9:24;

U.S. App. 60/161,181

    7:24-9:2; 8:13;

U.S. App. 60/161,093

    2:1-2:7; 3:1-3:33; 4:5-4:31; 6:10-6:30; 9:10-10:24; 11:1-14:14; 14:19-15:10; 15:19-16:12; 18:5-18:31;

    Fig. 2, 3, 4, 5, 6, 7, 8

NMDX0031127-80; NMDX0031210-25; NMDX0031230-41; NMDX0032418-41; NMDX0032522-704

[2] **Evidence Supporting Defendants' Proposed Construction for "network location of the user host device"**

'716 patent: 10:22–25; 14:1–7; 19:67–20:7; 30:41–45; Figs. 1, 11a, and 11b

[3] **Evidence Supporting Nomadix's Proposed Construction for "network-packet-translation module"**

U.S. Pat. 7,689,716

EXHIBIT 8 – U.S. PATENT NO. 7,689,716

Fig. 11a, 11b, 9:9-9:28, 10:33-11:31, 18:40-18:60, 21:12-23:30, 25:59-29:14, 30:4-30:14, 31:25-31:44

U.S. Pat. 7,194,554

10:9-10:37, 12:60-13:14

U.S. Pat. 6,636,894

7:25-7:53, 9:5-9:25

U.S. App. 60/111,497

p. 5 ¶ 2; p. 5 ¶ 2; p. 5 ¶ 6;

Attachment A — p. 10, ¶ 1; p. 10 ¶ 4; p. 11 ¶ 4; p. 13 ¶ 3;

Attachment H — 2:28-3:3; 3:17-3:21; 4:33-5:11; 5:29-6:9; 9:6-13; 11:1-11:17; 12:2-12:7; 12:18-12:28; 16:25-16:35; 19:1-19:6; 22:2-22:16; 23:6-23:20; 24:1-24:15; 28:12-28:20; p. 2 ¶ 4;

U.S. App. 09/458,602

U.S. App. 60/161,182

8:26-9:13;

"USG 1000 User Manual" pp. 7-8, 12-13, 130-131,

U.S. App. 60/160,890

U.S. App. 60/161,139

9:12-9:29;

U.S. App. 60/161,189

EXHIBIT 8 – U.S. PATENT NO. 7,689,716

9:12-9:29

U.S. App. 60/160,973

4:26-5:3; 8:12-8:28; 12:21-13:2;

Fig. 2

U.S. App. 60/161,181

10:10-10:29;

U.S. App. 60/161,093

8:23-9:9;

NMDX0031127-80; NMDX0031210-25; NMDX0031230-41; NMDX0032418-41; NMDX0032522-704

[4] **Evidence Supporting Defendants' Proposed Construction for "network-packet-translation module"**

'716 patent: 28:5–9; 12:8–11, Figs. 11a and 11b; 28:12–29:13.

[5] **Evidence Supporting Nomadix's Proposed Construction for "external network location"**

U.S. Pat. 7,689,716

Fig. 11a, 11b, 9:9-9:28, 10:33-11:31, 18:40-18:60, 21:12-23:30, 25:59-29:14, 30:4-30:14, 31:25-31:44

U.S. Pat. 7,194,554

3:45-3:64, 4:25-4:47, 4:63-5:12, 5:38-5:55, 6:4-6:26, 8:33-9:7, 10:9-10:37, 10:52-11:5, 12:60-13:43,

U.S. Pat. 6,636,894

7:25-7:53, 9:5-9:25

EXHIBIT 8 – U.S. PATENT NO. 7,689,716

U.S. App. 60/111,497

    p. 5 ¶ 2; p. 5 ¶ 2; p. 5 ¶ 6;

    Attachment A — p. 10, ¶ 1; p. 10 ¶ 4; p. 11 ¶ 4; p. 13 ¶ 3;

    Attachment H — 2:28-3:3; 3:17-3:21; 4:33-5:11; 5:29-6:9; 9:6-13; 11:1-11:17; 12:2-12:7; 12:18-12:28; 16:25-16:35; 19:1-19:6; 22:2-22:16; 23:6-23:20; 24:1-24:15; 28:12-28:20; p. 2 ¶ 4;

U.S. App. 09/458,602

U.S. App. 60/161,182

    8:26-9:13;

    "USG 1000 User Manual" pp. 7-8, 12-13, 130-131,

U.S. App. 60/160,890

U.S. App. 60/161,139

    9:12-9:29;

U.S. App. 60/161,189

    9:12-9:29

U.S. App. 60/160,973

    4:26-5:3; 8:12-8:28; 12:21-13:2;

    Fig. 2

U.S. App. 60/161,181

111

EXHIBIT 8 – U.S. PATENT NO. 7,689,716

10:10-10:29;

U.S. App. 60/161,093

8:23-9:9;

NMDX0031127-80; NMDX0031210-25; NMDX0031230-41; NMDX0032418-41; NMDX0032522-704

[6] **Evidence Supporting Defendants' Proposed Construction for "external network location"**

'716 patent: Figs. 12A-D; Fig. 13; Abstract. *See also* '892 patent 4:3-25; 5:9-14; 11:3-21; 12:58-13:3; 2:20-27; 6:15-20; '892 prosecution history, Applicants' Arguments at 11-12 (February 29, 2000);'892 prosecution history, Applicants' Arguments at 12 (February 29, 2000).

EXHIBIT 9 – U.S. PATENT NO. 6,934,754

AGREED-UPON CONSTRUCTIONS

Claim	Term	Agreed-Upon Construction
1–3, 8, 25	network address	local IP address
1, 25	associated therewith	assigned to it

EXHIBIT 9 – U.S. PATENT NO. 6,934,754

DISPUTED CONSTRUCTIONS

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
1. A method for **providing** Internet access to a first computer via a first one of a plurality of **network access node**s in a network using a plurality of globally unique IP addresses, the **network access node**s each having a network address associated therewith which is unique on the network, the first **network access node** having a first network address associated therewith, the method comprising:	providing	furnishing[1]	No construction necessary. Ordinary meaning.[2]
	network access node	a device that provides network access to a computer communicating directly with the device[3]	No construction necessary. However, if the term requires any definition, it should be "a device, such as a local or remote server or headend, which provides [a computer within] a local or wide area network with access [to the Internet]"[4]
associating the first network address with the first computer while the first computer is connected to the first **network access node** thereby providing access to the network;	network access node See "network access node" above		

114

EXHIBIT 9 – U.S. PATENT NO. 6,934,754

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
associating a first one of the globally unique IP addresses with the first network address for conducting an Internet transaction;	an Internet transaction	a requested transfer of an object on the Internet, such as a web page[5]	No construction necessary. However, if the term requires any definition, it should be "a transaction over the Internet conducted by the first computer while connected to the first access node"[6]
	associating a first one of the globally unique IP addresses with the first network address for conducting an Internet transaction	in order to conduct an Internet transaction, assigning to the first local IP address a first globally unique IP address from a pool of available addresses and removing it from the pool[7]	assigning a first one of the globally unique IP addresses from the pool of such addresses with the first local IP address in order to conduct an Internet transaction[8]
monitoring transmissions associated with the Internet transaction to determine address information;			
processing the transmissions in response to the address information; and			

EXHIBIT 9 – U.S. PATENT NO. 6,934,754

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
disassociating the first globally unique IP address from the first network address upon termination of the Internet transaction, the first globally unique IP address then being available for association with any of the network addresses.			
8. The method of claim 1 wherein associating the first network address with the first computer is done by the first **network access node**.	network access node See "network access node" above		
11. The method of claim 1 wherein monitoring and processing the transmissions is done by the first **network access node**.	network access node See "network access node" above		
25. A method for **providing** Internet access to a first computer via a first one of a	providing See Claim 1, above		

EXHIBIT 9 – U.S. PATENT NO. 6,934,754

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
plurality of **network access node**s in a plurality of networks using a plurality of globally unique IP addresses, the **network access node**s each having a network address associated therewith which is unique among the plurality of networks, the first **network access node** having a first network address associated therewith, the method comprising:	network access node See Claim 1, above		
interconnecting the plurality of networks with a remote server thereby forming a wide area network, the globally unique IP addresses being associated with the remote server;			
associating the first network address with the first computer while the first computer is connected to the first **network access node**;	network access node See Claim 1, above		
associating a first one of the globally unique IP addresses with the first network	an Internet transaction See Claim 1, above		

EXHIBIT 9 – U.S. PATENT NO. 6,934,754

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
address for conducting an Internet transaction;	associating a first one of the globally unique IP addresses with the first network address for conducting an Internet transaction See Claim 1, above		
monitoring transmissions associated with the Internet transaction to determine address information;			
processing the transmissions in response to the address information; and			
disassociating the first globally unique IP address from the first network address upon termination of the Internet transaction, the first globally unique IP address then being available for association with any of the network addresses.			

118

EXHIBIT 9 – U.S. PATENT NO. 6,934,754

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[1] **Evidence Supporting Nomadix's Proposed Construction for "providing"**

'754 Patent

Abstract, Col. 1:14–57; Col. 2:60-Col. 3:38; Col. 3:11-Col. 4:8; Col. 5:60-Col. 6:8; Col. 8:36–54; Col. 9:64-Col. 10:56; Col. 11:66-Col. 12:14; Claims 1, 25; Figs. 2, 7

[2] **Evidence Supporting iBAHN's Proposed Construction for "providing"**

Not applicable.

[3] **Evidence Supporting Nomadix's Proposed Construction for "network access node"**

'754 Patent

Abstract; Col. 2:61–Col. 3:10; Col. 3:63–Col. 4:8; Col. 4:40–50; Col. 5:25–59; Col. 5:60–Col. 6:8; Col. 6:61–Col. 7:26; Col. 7:53–65; Col. 11:55–65; Col. 12:29–34; Col. 12:48–Col. 13:15; Col. 13:26–39; Fig. 1; Claims 1, 8, 11, 25

File History of U.S. Patent No. 6,738,382

Paper No. 13, Response to December 16, 2002 Final Office Action, pp. 3-5

Paper No. 19/E, Response to July 8, 2003 Final Office Action, pp. 8-10

IBH_NOM0003000 – IBH_NOM0003006

IBH_NOM0002847 – IBH_NOM0002849

App 12/257208

Claim 1; Claim 2; Claim 3; Claim 4; Claim 5; Claim 6; Claim 7; Claim 8; Claim 9; Claim 10; Claim 11; p.16:2-23, p. 19:6-11; p. 24:10-p.26:6

App 11/190036

EXHIBIT 9 – U.S. PATENT NO. 6,934,754

Claim 1; Claim 6; Claim 9; p. 13:9-p.14:3; p. 21:17-p.22:21; p.24:7-p.25:20

PCT/US01/10780

Claim 1; Claim 8; claim 11; Claim 25; Claim 30; Claim 33; Claims 47-69; p. 9:1-p.9:9; p. 10:23 – p. 12:10; p. 12: 24-p. 15:21; p. 18:17-p.19:1; p.22:4-p. 24:10; p. 24:19-p.26:10

American Heritage Dictionary (1996): node: …5. Computer Science. A terminal in a computer network.

[4] **Evidence Supporting iBAHN's Proposed Construction for "network access node"**

'754 patent: FIGs. 1, 5-6; Abstract; 3:11-16; 3:24-34; 3:63-4:5; 5:21-25; 5:30-34; 5:52-54; 5:65-6:4; 6:29-34; 8:12-20; 9:30-39; 12:9-10; 12:41-46; 13:26-32.

[5] **Evidence Supporting Nomadix's Proposed Construction for "an Internet transaction"**

'754 Patent

Col. 3:11–23; Col. 6:23–42; Col. 12:35–47; Col. 13:45–53; Claims 1, 25; Figs 2, 7

[6] **Evidence Supporting iBAHN's Proposed Construction for "an Internet transaction"**

'754 patent: 3:5-23; 6:24-42; 12:35-47; Figs. 2, 7

[7] **Evidence Supporting Nomadix's Proposed Construction for "associating a first one of the globally unique IP addresses with the first network address for conducting an Internet transaction"**

'754 patent

Col. 2, line 26-42; col. 3, line 11-39; col.6:23-42; col. 12: 36-47; col. 13:45-53; Figs. 1, 2, 5, 6, 7

File History of U.S. Patent No. 6,738,382

Paper No. 13, Response to December 16, 2002 Final Office Action, pp. 3-5

120

EXHIBIT 9 – U.S. PATENT NO. 6,934,754

Paper No. 19/E, Response to July 8, 2003 Final Office Action, pp. 8-10

[8] **Evidence Supporting iBAHN's Proposed Construction for "associating a first one of the globally unique IP addresses with the first network address for conducting an Internet transaction"**

'754 patent: FIGs. 2, 7; Abstract; 2:4-6; 2:26-41; 2:65-3:16; 3:24-37; 3:63-4:5; 6:24-35; 11:5-14; 12:35-47; K. Evegang and P. Francis, The IP Network Address Translator (NAT), Request for Comments "RFC" 1631, Cray Communications, NTT, May 1994

EXHIBIT 10 – U.S. PATENT NO. 6,996,073

AGREED-UPON CONSTRUCTIONS

Claim	Term	Agreed-Upon Construction
1, 2, 10–15	network address	local IP address
1, 10	associated therewith	assigned to it

DISPUTED CONSTRUCTIONS

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
1. A method for **providing conference** services over a network having a plurality of users associated therewith, selected ones of the plurality of users being associated with **network access node**s on the network, each **network access**	conference	an assembly of persons at a common geographic location[1]	No construction necessary. However, if the term requires any definition, it should be "a group of selected users"[2]
	providing	See construction for "providing", in '754 patent, Claim 1 ("furnishing")[3]	No construction necessary. Ordinary meaning.[4]

EXHIBIT 10 – U.S. PATENT NO. 6,996,073

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
node having a network address associated therewith which is unique on the network, the method comprising:	network access node	See construction for "network access node", in '754 patent, Claim 1 ("a device that provides network access to a computer communicating directly with the device")[5]	No construction necessary. However, if the term requires any definition, it should be "a device, such as a local or remote server or headend, which provides [a user within] a local or wide area network with access [to conference services]"[6]
associating a group identification tag with the network addresses thereby identifying the selected users as attendees of the **conference**;	conference See "conference" above		
providing the **conference** services on the network; and	providing See "providing" above		
	conference See "conference" above		
restricting access to the conference services to the selected users using the group	conference See "conference" above		

EXHIBIT 10 – U.S. PATENT NO. 6,996,073

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
identification tag.	restricting access to the conference services to the selected users	granting access to the conference services to only the selected users[7]	No construction necessary. However, if the term requires any definition, it should be "limiting access to the conference services to the selected users"[8]
2. The method of claim 1 wherein **restricting access to the conference services** comprises verifying that a particular network address from which a request has been received has the group identification tag associated therewith before **providing** access to the **conference** services.	conference See Claim 1, above		
	providing See Claim 1, above		
	restricting access to the conference services See Claim 1, above		
3. The method of claim 1 wherein **providing** the **conference** services on the network comprises **providing** access to **conference** data content to the selected users via the network.	providing See Claim 1, above		
	conference See Claim 1, above		

EXHIBIT 10 – U.S. PATENT NO. 6,996,073

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
4. The method of claim 3 wherein the **conference** data content comprises PowerPoint® presentation data.	conference See Claim 1, above		
5. The method of claim 3 wherein the **conference** data content comprises electronic copies of written materials.	conference See Claim 1, above		
6. The method of claim 1 wherein **providing** the **conference** services on the network comprises **providing** discounted access to entertainment content	providing See Claim 1, above		
	conference See Claim 1, above		
7. The method of claim 1 wherein **providing** the **conference** services on the	providing See Claim 1, above		

EXHIBIT 10 – U.S. PATENT NO. 6,996,073

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
network comprises **providing** discounted access to information services.	conference See Claim 1, above		
8. The method of claim 1 wherein **providing** the **conference** services on the network comprises **providing** substantially real time voice communication.	providing See Claim 1, above		
	conference See Claim 1, above		
9. The method of claim 1 wherein **providing** the **conference** services on the network comprises **providing** video teleconferencing services.	providing See Claim 1, above		
	conference See Claim 1, above		

EXHIBIT 10 – U.S. PATENT NO. 6,996,073

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
10. A method for **providing conference** services over a network having a plurality of **network access node**s each having a network address associated therewith which is unique on the network, comprising:	network access node See Claim 1, above		
	providing See Claim 1, above		
	conference See Claim 1, above		
associating the network addresses with computers associated with a plurality of users while the computers are connected to the **network access node**s thereby **providing** access to the network for each of the plurality of users;	network access node See Claim 1, above		
	providing See Claim 1, above		

Exhibit 10 – U.S. Patent No. 6,996,073

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
associating a group identification tag with the network address associated with selected ones of the plurality of users thereby identifying the selected users as attendees of a **conference**;	conference See Claim 1, above		
providing the **conference** services on the network; and	providing See Claim 1, above		
	conference See Claim 1, above		
restricting access to the conference services to the selected users using the group identification tag.	conference See Claim 1, above		
	restricting access to the conference services to the selected users See Claim 1, above		
15. The method of claim 10 wherein associating the network addresses is done by the **network access node**s.	network access node See Claim 1, above		

128

EXHIBIT 10 – U.S. PATENT NO. 6,996,073

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[1] **Evidence Supporting Nomadix's Proposed Construction for "conference"**

'073 Patent

Col. 1:31–44; Col. 5:1–9; Col. 14:23–67; Col. 15:13–22; Claims 1-10

[2] **Evidence Supporting iBAHN's Proposed Construction for "conference"**

'073 patent: FIG. 11; 1:15-17; 5:1-4; 14:23-29; 15:23-26; 15:40-45; Definition of "conference," *The Concise American Heritage Dictionary*, at 147 (Rev. ed. 1987) ("A meeting to discuss something"); Definition of "conference," Random House Webster's *Computer & Internet Dictionary*, at 114 (3d ed. 1998) (Same as *forum*, an area in a bulletin board or online service in which participants can meet and discuss a topic of common interest")

[3] **Evidence Supporting Nomadix's Proposed Construction for "providing"**

'073 Patent

Abstract; Fig. 11; Col. 1:15–25; Col. 2:54-Col. 3: 9; Col. 4:4-Col, 5:12; Col. 6:63-Col. 7:19; Col. 9:7–62, Col. 11:3-Col. 13:61;

Col. 14:23-Col. 15:52; Claims 1–3, 6–10

[4] **Evidence Supporting iBAHN's Proposed Construction for "providing"**

Not applicable

[5] **Evidence Supporting Nomadix's Proposed Construction for "network access node"**

'073 Patent

Abstract; Col. 3:61–Col. 4:18; Col. 4:37–67; Col. 5:1–9; Col. 5:49-55; Col. 6:25–62; Col. 6:63–Col. 7:1; Col. 7:65-Col. 8: 27; Col. 15:1–31; Fig. 1; Claims 1, 10, 15

EXHIBIT 10 – U.S. PATENT NO. 6,996,073

File History of U.S. Patent No. 6,738,382

Paper No. 13, Response to December 16, 2002 Final Office Action, pp. 3-5

Paper No. 19/E, Response to July 8, 2003 Final Office Action, pp. 8-10

IBH_NOM0003000 – IBH_NOM0003006

IBH_NOM0002847 – IBH_NOM0002849

App 12/257208

Claim 1; Claim 2; Claim 3; Claim 4; Claim 5; Claim 6; Claim 7; Claim 8; Claim 9; Claim 10; Claim 11; p.16:2-23, p. 19:6-11; p. 24:10-p.26:6

App 11/190036

Claim 1; Claim 6; Claim 9; p. 13:9-p.14:3; p. 21:17-p.22:21; p.24:7-p.25:20

PCT/US01/10780

Claim 1; Claim 8; claim 11; Claim 25; Claim 30; Claim 33; Claims 47-69; p. 9:1-p.9:9; p. 10:23 – p. 12:10; p. 12: 24-p. 15:21; p. 18:17-p.19:1; p.22:4-p. 24:10; p. 24:19-p.26:10

American Heritage Dictionary (1996): node: …5. Computer Science. A terminal in a computer network.

[6] **Evidence Supporting iBAHN's Proposed Construction for "network access node"**

'073 patent: FIGs. 1, 5-6, 11; Abstract; 3:23-28; 3:36-46; 3:61- 4:14; 4:27-67; 6:25-29; 6:34-38; 6:55-57; 7:1-7; 7:32-37; 9:21-28; 10:38-47; 12:11-13; 13:62-66; 15:9-12.

[7] **Evidence Supporting Nomadix's Proposed Construction for "restricting access to the conference services to the selected users"**

EXHIBIT 10 – U.S. PATENT NO. 6,996,073

'073 Patent

Col. 1:31–44; Col. 2:23-58; Col. 3:10-Col. 5:13; Col. 5:45-Col. 7:19; Col. 8:14–27; Col. 9:19-Col. 10:35; Col. 11:3-Col. 12:30; Col. 14:23–67; Col. 15:13–34; Claims 1, 2, 10; Fig. 11

[8] **Evidence Supporting iBAHN's Proposed Construction for "restricting access to the conference services to the selected users"**

'073 patent: FIG. 11; 5:1-9; 4:40-67; 15:23-26; 15:31-34

EXHIBIT 11 – U.S. PATENT NO. 7,580,376

AGREED-UPON CONSTRUCTIONS

Claim	Term	Agreed-Upon Construction
1, 9–15	network address	local IP address
9, 15	associated therewith	assigned to them

DISPUTED CONSTRUCTIONS

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
1. A method for restricting access to content in a network having a plurality of users associated therewith, comprising:			
associating a group identification tag with selected ones of the plurality of users thereby identifying the selected users as members of a specific group;			

132

EXHIBIT 11 – U.S. PATENT NO. 7,580,376

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
providing the content on the network; and	providing	See construction for "providing", in '754 patent, Claim 1 ("furnishing")[1]	No construction necessary. Ordinary meaning.[2]
restricting access to the content to the selected users using the group identification tag by verifying that a particular network address from which a request has been received has the group identification tag associated therewith before **providing** access to the content.	restricting access to the content to the selected users	granting access to the content to only the selected users[3]	No construction necessary. However, if the term requires any definition, it should be "limit[ing] access to the content to the selected users"[4]
	providing See "providing" above		
2. The method of claim 1 wherein the specific group comprises attendees of a **conference**.	conference	See construction for "conference", in '073 patent, Claim 1 ("an assembly of persons at a common geographic location")[5]	No construction necessary. However, if the term requires any definition, it should be "a group of selected users"[6]

133

EXHIBIT 11 – U.S. PATENT NO. 7,580,376

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
4. The method of claim 1 wherein the content relates to one or more of electronic copies of **conference** materials, entertainment content, online services, or web site content.	conference See Claim 2, above		
5. The method of claim 1 wherein **restricting access to the content to the selected users** comprises **providing** discounted access to entertainment content.	providing See Claim 1, above		
	restricting access to the content to the selected users using See Claim 1, above		
6. The method of claim 1 wherein **restricting access to the content to the selected users** comprises **providing** discounted access to information services.	providing See Claim 1, above		
	restricting access to the content to the selected users using See Claim 1, above		

EXHIBIT 11 – U.S. PATENT NO. 7,580,376

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
7. The method of claim 1 wherein **restricting access to the content to the selected users** comprises **providing** substantially real time voice communication.	providing See Claim 1, above		
	restricting access to the content to the selected users using See Claim 1, above		
8. The method of claim 1 wherein **restricting access to the content to the selected users** comprises **providing** video teleconferencing services.	providing See Claim 1, above		
	restricting access to the content to the selected users using See Claim 1, above		
9. A method for restricting access to content in a network having a plurality of **network access nodes** having network addresses associated therewith each of which is unique on the network, comprising:	network access node	See construction for "network access node", in '754 patent, Claim 1 ("a device that provides network access to a computer communicating directly with the device")[7]	No construction necessary. However, if the term requires any definition, it should be "a device, such as a local or remote server or headend, which provides [a user within] a local or wide area network with access [to content]"[8]

EXHIBIT 11 – U.S. PATENT NO. 7,580,376

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
associating the network addresses with computers associated with a plurality of users while the computers are connected to the **network access node**s thereby **providing** access to the network for each of the plurality of users;	network access node See "network access node" above		
	providing See Claim 1, above		
associating a group identification tag with the network address associated with selected ones of the plurality of users thereby identifying the selected users as members of a specific group;			
providing the content on the network; and	providing See Claim 1, above		
restricting access to the content to the selected users using the group identification tag.	restricting access to the content to the selected users using See Claim 1, above		

EXHIBIT 11 – U.S. PATENT NO. 7,580,376

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
14. The method of claim 9 wherein associating the network addresses is done by the **network access node**s.	network access node See Claim 9, above		
15. A network configured to restrict access to content in the network, the network comprising:			
a plurality of **network access node**s having network addresses associated therewith each of which is unique on the network; and	network access node See Claim 9, above		
at least one computing device programmed to:			
associate the network addresses with computers associated with a plurality of users while the computers are connected to the **network access node**s thereby **providing** access to the network for each of the plurality of users;	network access node See Claim 9, above providing See Claim 1, above		

EXHIBIT 11 – U.S. PATENT NO. 7,580,376

Claim	Term	Nomadix's Proposed Construction	iBAHN's Proposed Construction
associate a group identification tag with the network address associated with selected ones of the plurality of users thereby identifying the selected users as members of a specific group;			
provide the content on the network; and	provide	furnish[9]	No construction necessary. Ordinary meaning.[10]
restrict access to the content to the selected users using the group identification tag.	restrict access to the content to the selected users	grant access to the content to only the selected users[11]	No construction necessary. However, if the term requires any definition, it should be "limit access to the content to the selected users"[12]

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[1] **Evidence Supporting Nomadix's Proposed Construction for "providing"**

'376 Patent

Abstract; Col. 3:58–67; Col. 4:24–Col. 5:5; Col. 5:46–51; Col. 6:24–50; Col. 6:57–62; Col. 7:59–Col. 8:19; Col. 14:49–Col. 15:15; Fig. 1; Claims 9, 14, 15

File History of U.S. Patent No. 6,738,382

EXHIBIT 11 – U.S. PATENT NO. 7,580,376

Paper No. 13, Response to December 16, 2002 Final Office Action, pp. 3-5

Paper No. 19/E, Response to July 8, 2003 Final Office Action, pp. 8-10

IBH_NOM0003000 – IBH_NOM0003006

IBH_NOM0002847 – IBH_NOM0002849

App 12/257208

Claim 1; Claim 2; Claim 3; Claim 4; Claim 5; Claim 6; Claim 7; Claim 8; Claim 9; Claim 10; Claim 11; p.16:2-23, p. 19:6-11; p. 24:10-p.26:6

App 11/190036

Claim 1; Claim 6; Claim 9; p. 13:9-p.14:3; p. 21:17-p.22:21; p.24:7-p.25:20

PCT/US01/10780

Claim 1; Claim 8; claim 11; Claim 25; Claim 30; Claim 33; Claims 47-69; p. 9:1-p.9:9; p. 10:23 – p. 12:10; p. 12: 24-p. 15:21; p. 18:17-p.19:1; p.22:4-p. 24:10; p. 24:19-p.26:10

American Heritage Dictionary (1996): node: …5. Computer Science. A terminal in a computer network

[2] **Evidence Supporting iBAHN's Proposed Construction for "providing"**

Not applicable

[3] **Evidence Supporting Nomadix's Proposed Construction for "restricting access to the content to the selected users"**

'376 Patent

Col. 1, line 17 to Col. 3, line 34; Col. 4, line 1 to Col. 5, line 5; Col. 4:64-Col. 5:8; Col. 5:53-Col. 7:5; Col. 8:7–16; Col. 9:10-Col. 11:36; Col. 12:8-Col. 15:12; Claims 1, 5-9, 15; Fig. 11

EXHIBIT 11 – U.S. PATENT NO. 7,580,376

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[4] **Evidence Supporting iBAHN's Proposed Construction for "restricting access to the content to the selected users"**

'376 patent: FIG. 11; 1:17-19; 2:61-64; 15:4-26.

[5] **Evidence Supporting Nomadix's Proposed Construction for "conference"**

'376 Patent

Col. 1:33–46; Col. 4:64-Col. 5:8; Col. 14:4-Col. 15:3; Claims 2, 4

[6] **Evidence Supporting iBAHN's Proposed Construction for "conference"**

'376 patent: FIG. 11; 1:17-19; 4:64-7:2; 14:4-10; 15:4-7; 15:21-26; Definition of "conference," *The Concise American Heritage Dictionary*, at 147 (Rev. ed. 1987) ("A meeting to discuss something"); Definition of "conference," Random House Webster's *Computer & Internet Dictionary*, at 114 (3d ed. 1998) (Same as *forum*, an area in a bulletin board or online service in which participants can meet and discuss a topic of common interest")

[7] **Evidence Supporting Nomadix's Proposed Construction for "network access node"**

'376 Patent

Abstract; Col. 3:58–67; Col. 4:24–Col. 5:5; Col. 5:46–51; Col. 6:24–50; Col. 6:57–62; Col. 7:59–Col. 8:19; Col. 14:49–Col. 15:15; Fig. 1; Claims 9, 14, 15

File History of U.S. Patent No. 6,738,382

Paper No. 13, Response to December 16, 2002 Final Office Action, pp. 3-5

Paper No. 19/E, Response to July 8, 2003 Final Office Action, pp. 8-10

IBH_NOM0003000 – IBH_NOM0003006

IBH_NOM0002847 – IBH_NOM0002849

EXHIBIT 11 – U.S. PATENT NO. 7,580,376

App 12/257208

Claim 1; Claim 2; Claim 3; Claim 4; Claim 5; Claim 6; Claim 7; Claim 8; Claim 9; Claim 10; Claim 11; p.16:2-23, p. 19:6-11; p. 24:10-p.26:6

App 11/190036

Claim 1; Claim 6; Claim 9; p. 13:9-p.14:3; p. 21:17-p.22:21; p.24:7-p.25:20

PCT/US01/10780

Claim 1; Claim 8; claim 11; Claim 25; Claim 30; Claim 33; Claims 47-69; p. 9:1-p.9:9; p. 10:23 – p. 12:10; p. 12: 24-p. 15:21; p. 18:17-p.19:1; p.22:4-p. 24:10; p. 24:19-p.26:10

American Heritage Dictionary (1996): node: …5. Computer Science. A terminal in a computer network.

[8] **Evidence Supporting iBAHN's Proposed Construction for "network access node"**

'376 patent: FIGs. 1, 5-6, 11; Abstract; 3:21-26; 3:34-44; 3:58- 4:10; 4:24-4:63; 6:20-24; 6:29-32; 6:50-52; 6:62-7:1; 7: 26-31; 9:10-17; 10:26-34; 11:64-66; 13:45-49; 14:57-60

[9] **Evidence Supporting Nomadix's Proposed Construction for "provide"**

'376 Patent

Abstract; Fig. 2, 11; Col. 1:14–57; Col. 2:53-Col. 3:38; Col. 4:1-Col. 5:68; Col. 6:57-Col. 7:5; Col. 8:64-Col. 9:9; Col. 10:56–64; Col. 11:17–36; Col. 12:8-Col. 13:44; Col. 14:4-Col. 15:3; Claims 1, 5–9, 15

[10] **Evidence Supporting iBAHN's Proposed Construction for "provide"**

Not applicable.

141

EXHIBIT 11 – U.S. PATENT NO. 7,580,376

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[11] **Evidence Supporting Nomadix's Proposed Construction for "restrict access to the content to the selected users"**

'376 Patent

Col. 1, line 17 to Col. 3, line 34; Col. 4, line 1 to Col. 5, line 5; Col. 4:64-Col. 5:8; Col. 5:53-Col. 7:5; Col. 8:7–16; Col. 9:10-Col. 11:36; Col. 12:8-Col. 15:12; Claims 1, 5-9, 15; Fig. 11

[12] **Evidence Supporting iBAHN's Proposed Construction for "restrict access to the content to the selected users"**

'376 patent: FIG. 11; 1:17-19; 2:61-64; 15:4-26.